

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
3  
4 CHERYL DORSEY, )  
 )  
5 Plaintiff, )  
 )  
6 vs. ) Case No. BC642829  
 )  
7 LOS ANGELES UNIFIED SCHOOL )  
DISTRICT and DOES 1 through )  
8 100, Inclusive, )  
 )  
9 Defendants. )  
 ) Volume I

Job No: AC030F5

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 LOS ANGELES UNIFIED SCHOOL )  
 DISTRICT and DOES 1 through )  
 100, Inclusive, )  
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 Defendants. )  
 )

Deposition of Frank Cabibi, taken on behalf of Plaintiff, at 714 West Olympic Boulevard, Suite 450, Los Angeles, California, commencing at 10:13 A.M., on Monday, April 2, 2018, before Virginia Aquino, CSR No. 13228.

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## APPEARANCES

FOR THE PLAINTIFF:

LAW OFFICES OF ROBERT STANFORD BROWN, APC  
BY: ROBERT STANFORD BROWN, ESQ.  
714 West Olympic Boulevard  
Suite 450  
Los Angeles, California 90015  
(213) 745-6300  
rstanfordbrown@gmail.com

FOR THE DEFENDANT:

L.A.U.S.D. OFFICE OF THE GENERAL COUNSEL  
BY: CHARLIE HILL, ESQ.  
333 South Beaudry Avenue  
20th Floor  
Los Angeles, California 90017  
(213) 241-7600  
charlie.hill@lausd.net

ALSO PRESENT:

Cheryl Dorsey  
Edward Mattiuzzi, Videographer

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INFORMATION REQUESTED

(None)

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<p>1 LOS ANGELES, CALIFORNIA; MONDAY, APRIL 2, 2018</p> <p>2 10:13 A.M.</p> <p>3</p> <p>4 THE VIDEOGRAPHER: Okay. We are now on camera.</p> <p>5 I am Edward Mattiuzzi, your videographer. I 10:13:18</p> <p>6 represent Atkinson-Baker, Incorporated, in Glendale,</p> <p>7 California. I am not financially interested in this</p> <p>8 action, nor am I a relative or an employee of any</p> <p>9 attorney or any of the parties.</p> <p>10 The date is April 2nd, 2018. The time is 10:13:32</p> <p>11 10:13 A.M. This deposition is taking place at 714 West</p> <p>12 Olympic Boulevard, Los Angeles, California. The case</p> <p>13 number is BC642829 entitled Cheryl Dorsey versus Los</p> <p>14 Angeles Unified School District, et al.</p> <p>15 The deponent is Frank Cabibi, and the 10:13:57</p> <p>16 deposition is being taken on behalf of the plaintiff.</p> <p>17 Your court reporter is Virginia Aquino from Atkins- --</p> <p>18 Atkinson-Baker.</p> <p>19 And counsel will now please introduce</p> <p>20 themselves. 10:14:10</p> <p>21 MR. BROWN: Robert Brown on behalf of plaintiff</p> <p>22 Cheryl Dorsey.</p> <p>23 MR. HILL: Charlie Hill, H-i-I-I, on behalf of</p> <p>24 defendant Los Angeles Unified School District.</p> <p>25 THE VIDEOGRAPHER: Okay. You may now swear in 10:14:22</p> <p style="text-align: right;">Page 6</p>	<p>1 refer to the Los Angeles Unified School District as</p> <p>2 L.A.U.S.D. or the District.</p> <p>3 Do you understand what I'm referring to?</p> <p>4 A. I do.</p> <p>5 Q. What's going to happen here today is that you 10:15:07</p> <p>6 are going to answer some questions, hopefully, and your</p> <p>7 answers and my questions are going to be put into a</p> <p>8 booklet that's called a transcript.</p> <p>9 You're going to have an opportunity to review</p> <p>10 that and make any changes that you deem necessary. 10:15:22</p> <p>11 However, if you do make any changes, then any attorney</p> <p>12 involved in the case might comment upon that, and the</p> <p>13 judge or the jury may draw a negative inference</p> <p>14 regarding your credibility.</p> <p>15 Do you understand that? 10:15:32</p> <p>16 A. I do.</p> <p>17 Q. And you understand that the oath that you just</p> <p>18 took is the same oath that you would take in a court of</p> <p>19 law?</p> <p>20 A. I do. 10:15:41</p> <p>21 Q. Now, the reason that I mentioned the possible</p> <p>22 consequences with respect to your credibility is not to</p> <p>23 threaten you, but just to impress upon you that we need</p> <p>24 your best testimony here today.</p> <p>25 Is that fair? 10:15:51</p> <p style="text-align: right;">Page 8</p>
<p>1 the witness.</p> <p>2</p> <p>3 FRANK CABIBI,</p> <p>4 having been first duly sworn, was</p> <p>5 examined and testified as follows:</p> <p>6</p> <p>7 EXAMINATION</p> <p>8 BY MR. BROWN:</p> <p>9 Q. Good morning, again, Mr. Cabibi.</p> <p>10 A. Good morning, sir. 10:14:38</p> <p>11 Q. Mr. Cabibi, have you ever been deposed before?</p> <p>12 A. I have.</p> <p>13 Q. How about -- about how many times?</p> <p>14 A. I want to say twice. Maybe three times at</p> <p>15 most. 10:14:48</p> <p>16 Q. Okay.</p> <p>17 What I'm going to do is just go over a few</p> <p>18 ground rules with you.</p> <p>19 A. It's been a long time, but...</p> <p>20 Q. I -- understood. 10:14:49</p> <p>21 You understood -- you understand that you're</p> <p>22 here to testify in the matter of Cheryl Dorsey versus</p> <p>23 the Los Angeles Unified School District?</p> <p>24 A. I do.</p> <p>25 Q. What I'm going to do is at various times either 10:15:00</p> <p style="text-align: right;">Page 7</p>	<p>1 A. That is very fair.</p> <p>2 Q. One of the things that I'm going to do is, in</p> <p>3 asking you questions, occasionally I ask a question</p> <p>4 that is not a very good one. You don't have any</p> <p>5 obligation to guess what I mean if I use imprecise 10:16:03</p> <p>6 language.</p> <p>7 So if I ask you a question and you don't</p> <p>8 understand it, please let me know, and I will reframe</p> <p>9 it until you do understand it.</p> <p>10 Is that fair? 10:16:12</p> <p>11 A. I do understand it.</p> <p>12 Q. At various times you might hear me ask you a</p> <p>13 question. You might think, "Well, he's asked me that</p> <p>14 once before." That will happen in the following</p> <p>15 scenarios. 10:16:20</p> <p>16 It might just be that I remember -- I know I</p> <p>17 asked you the question, but I don't remember your</p> <p>18 answer. It might be that I just don't remember if I've</p> <p>19 asked you the question. And in the interest of</p> <p>20 caution, I just repeat the question, or it might be 10:16:35</p> <p>21 that I'm laying a foundation or establishing a</p> <p>22 predicate to go into another area.</p> <p>23 Do you understand that?</p> <p>24 A. I do.</p> <p>25 Q. But it won't be just because I'm trying to 10:16:42</p> <p style="text-align: right;">Page 9</p>

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<div>1 badger you into giving me a good answer whatever that 2 may be. 3 Do you understand that? 4 A. I do. 5 Q. I'm going to ask you to wait until I finish the 10:16:51 6 question before you answer. A deposition is unlike a 7 conversation in that, if we're talking and you get the 8 drift of where I'm going, you might interject or I 9 might do the same. 10 In order to make sure that, No. 1, you 10:17:03 11 understand the question I ask, as opposed to what I you 12 think I might ask, it's necessary for you to allow me 13 to finish, and I'll do the same. 14 That fair? 15 A. That is. May I take notes. 10:17:17 16 Q. You most certainly may take notes if you choose 17 to. 18 MR. HILL: -- take notes. You don't need to 19 take notes. 20 THE WITNESS: Okay. 10:17:22 21 MR. HILL: It will all be in the transcript. 22 THE WITNESS: Okay. I just meant to write down 23 something you may ask. 24 BY MR. BROWN: 25 Q. You can do -- it's up to you. 10:17:26 <div>Page 10</div></div>	<div>1 A. I appreciate that. 2 Q. Very good. 3 This is not an endurance contest. So if you 4 need a break to stand up, look out the window, go to 10:18:27 5 the bathroom, get a breath of air, feel free. 6 What I'm going to ask you to do, though, if 7 there's a question pending, I will ask you to answer 8 the question unless the reason why you need to take a 9 break is because you want to confer with Mr. Hill. 10 Is that fair? 10:18:41 11 A. Sure. 12 Q. Those are the admonitions that I can think of 13 off the top of my head -- oh. At various times I'm 14 going to be asking you about conversations that you've 15 had with others. That will never include a 10:18:53 16 conversation you've had with Mr. Hill or any attorney 17 who's representing you. 18 That is privileged attorney-client 19 communication, and I will never be trying to elicit 20 that information. So if in asking the question, I 10:19:05 21 don't preface it by saying something like "Aside from 22 anything that you told Mr. Hill," please understand I'm 23 not trying to obtain any communication between you and 24 Mr. Hill. 25 Do you understand that? 10:19:18 <div>Page 12</div></div>
<div>1 A. Okay. 2 Q. Is Mr. Hill representing you here today? 3 A. He is. 4 Q. All right. 5 The other thing is we want to make sure that 10:17:33 6 we're not talking at the same time because it makes the 7 reporter's job difficult to try to take down two of us 8 taking simultaneously. 9 Do you understand that? 10 A. I do. 10:17:45 11 Q. We are going to be competing with a little bit 12 of traffic noise based on how this building is 13 configured. And I've also been told over the years 14 that sometime I tend to be a bit soft spoken. So when 15 I think of that, I will then raise my voice. So I want 10:17:55 16 you to understand, when that happens, I am not yelling 17 at you, and I'm not trying to do anything to make you 18 uncomfortable. 19 Do you understand that? 20 A. I do. 10:18:06 21 Q. I realize there are about a million places that 22 you would rather be than having a lawyer asking you 23 questions, but I promise you I'm not going to do 24 anything intentionally to make it unpleasant for you 25 and I'm not going to disrespect you. 10:18:17 <div>Page 11</div></div>	<div>1 A. I do understand. 2 Q. Very good. 3 Is there any reason why I can't get your best 4 testimony here today? 5 A. No. 10:19:25 6 Q. All right. Very good. Then we'll get started. 7 Mr. Cabibi, are you currently employed? 8 A. I am so employed until April 13th of this year. 9 Q. And what -- what happens on -- were you 10:19:37 10 currently employed with -- 11 A. L.A. Unified. 12 Q. Very good. 13 MR. HILL: Let him finish his question. 14 THE WITNESS: Sorry. 10:19:41 15 BY MR. BROWN: 16 Q. So then what happens on April 13th of 2018? 17 A. I resign my position as Deputy Inspector 18 General. 19 Q. And why have you resigned your position as 20 Deputy Inspector General? 10:19:54 21 MR. HILL: Objection. Confidential. Privacy 22 rights. 23 BY MR. BROWN: 24 Q. You can answer. 25 MR. HILL: No, you can't. I instruct the 10:20:02 <div>Page 13</div></div>

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<p>1 witness not to answer.</p> <p>2 MR. BROWN: You hadn't done that part.</p> <p>3 MR. HILL: Okay.</p> <p>4 BY MR. BROWN:</p> <p>5 <b>Q. Well, to the extent that the reason why he's</b> 10:20:08</p> <p>6 <b>resigning might implicate some of the issues in these</b></p> <p>7 <b>-- in this case. I think I am entitled to find out.</b></p> <p>8 MR. HILL: I have instructed the witness not to</p> <p>9 answer.</p> <p>10 THE REPORTER: I'm sorry, Counsel. I cannot</p> <p>11 hear you.</p> <p>12 MR. HILL: I've instructed --</p> <p>13 THE REPORTER: You're miked on the video, but I</p> <p>14 cannot hear you.</p> <p>15 MR. HILL: I've instructed the witness not to</p> <p>16 answer.</p> <p>17 MR. BROWN: Good enough.</p> <p>18 BY MR. BROWN:</p> <p>19 <b>Q. Mr. Cabibi, did you opt to resign in lieu of</b></p> <p>20 <b>termination?</b> 10:20:34</p> <p>21 MR. HILL: Instruct the witness not to answer.</p> <p>22 Privacy rights.</p> <p>23 BY MR. BROWN:</p> <p>24 <b>Q. Mr. Cabibi, did you resign as a result of</b></p> <p>25 <b>allegations that were made against you for engaging in</b> 10:20:44</p> <p style="text-align: right;">Page 14</p>	<p>1 A. Encourage me, no.</p> <p>2 <b>Q. Did anyone from the Los Angeles Unified School</b></p> <p>3 <b>District ask you to resign?</b></p> <p>4 A. No.</p> <p>5 <b>Q. Are you resigning after there has been an</b> 10:22:17</p> <p>6 <b>investigation of your conduct?</b></p> <p>7 MR. HILL: Objection. It's vague, ambiguous.</p> <p>8 BY MR. BROWN:</p> <p>9 <b>Q. You can answer.</b></p> <p>10 A. I'm sorry. Could you restate the question. 10:22:28</p> <p>11 <b>Q. I most certainly can.</b></p> <p>12 <b>So you're resigning officially on April 13th of</b></p> <p>13 <b>2018; correct?</b></p> <p>14 A. Uh-huh. Yes.</p> <p>15 <b>Q. Okay.</b> 10:22:37</p> <p>16 <b>And prior to your decision to resign, was there</b></p> <p>17 <b>an investigation of your conduct as it relates to your</b></p> <p>18 <b>decision to resign?</b></p> <p>19 MR. HILL: Hold on. I'll object. Privacy</p> <p>20 grounds. 10:22:52</p> <p>21 THE REPORTER: Counsel, if we can take a</p> <p>22 moment, please.</p> <p>23 MR. BROWN: Yes.</p> <p>24 THE REPORTER: We don't have to go off the</p> <p>25 record.</p> <p style="text-align: right;">Page 16</p>
<p>1 <b>race or gender discrimination?</b></p> <p>2 MR. HILL: Object. Privacy grounds. Instruct</p> <p>3 the witness not to answer.</p> <p>4 BY MR. BROWN:</p> <p>5 <b>Q. Mr. Cabibi, have there been any Los Angeles</b> 10:20:57</p> <p>6 <b>Unified District employees who have accused you of</b></p> <p>7 <b>engaging in racial discrimination?</b></p> <p>8 MR. HILL: You can answer that.</p> <p>9 THE WITNESS: Ms. Dorsey.</p> <p>10 BY MR. BROWN: 10:21:11</p> <p>11 <b>Q. Anyone else?</b></p> <p>12 A. Racial, I don't believe so.</p> <p>13 <b>Q. Okay.</b></p> <p>14 <b>Have there been any Los Angeles Unified School</b></p> <p>15 <b>District employees, aside from Ms. Dorsey, who have</b> 10:21:23</p> <p>16 <b>accused you of engaging in gender discrimination?</b></p> <p>17 A. Ms. Dorsey, again, as I understand, as a</p> <p>18 female. I don't believe anyone else.</p> <p>19 <b>Q. When you say, "You don't believe anyone else,"</b></p> <p>20 <b>is that to say you don't recall if any other --</b> 10:21:46</p> <p>21 A. No. I'm just saying that I -- I'm not -- I'm</p> <p>22 not familiar with it if -- if it, in fact, has been --</p> <p>23 no one's -- I -- I honestly do not know.</p> <p>24 <b>Q. Did anyone at the Los Angeles Unified School</b></p> <p>25 <b>District encourage you to resign?</b> 10:22:05</p> <p style="text-align: right;">Page 15</p>	<p>1 I'm having a lot of trouble hearing you.</p> <p>2 (Pause in the proceedings.)</p> <p>3 BY MR. BROWN:</p> <p>4 <b>Q. Mr. Cabibi, what were the circumstances which</b></p> <p>5 <b>led to your decision to resign from your position as</b> 10:23:36</p> <p>6 <b>the deputy inspect -- inspector?</b></p> <p>7 MR. HILL: Objection. Privacy rights.</p> <p>8 MR. BROWN: You're instructing him not to</p> <p>9 answer.</p> <p>10 MR. HILL: I'm instructing the witness not to 10:23:45</p> <p>11 answer.</p> <p>12 BY MR. BROWN:</p> <p>13 <b>Q. Did you confer with any Los Angeles Unified</b></p> <p>14 <b>School District employee regarding your decision to</b></p> <p>15 <b>resign?</b> 10:24:00</p> <p>16 A. No.</p> <p>17 <b>Q. Have you formally submitted your resignation?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Prior to submitting your resignation, did you</b></p> <p>20 <b>have any type of meeting or discussion with your</b> 10:24:16</p> <p>21 <b>subordinates in your section?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. And did you -- and did you tell them that you</b></p> <p>24 <b>were decide -- you had decided to resign?</b></p> <p>25 A. Yes. 10:24:31</p> <p style="text-align: right;">Page 17</p>

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<p>1       <b>Q. And did you give them any information regarding</b></p> <p>2       <b>the circumstances of your decision to resign?</b></p> <p>3               MR. HILL: It's vague.</p> <p>4       BY MR. BROWN:</p> <p>5       <b>Q. You can answer.</b> <span style="float: right;">10:24:39</span></p> <p>6               A. I honestly do not remember.</p> <p>7       <b>Q. Do you recall when you had that meeting with</b></p> <p>8       <b>the members of your section?</b></p> <p>9               A. I believe the day that -- the last day that I</p> <p>10       was at work on March 9th. <span style="float: right;">10:24:50</span></p> <p>11       <b>Q. And where did this meeting occur?</b></p> <p>12               A. In the conference room, Room 221.</p> <p>13       <b>Q. And did you call that meeting?</b></p> <p>14               A. I did.</p> <p>15       <b>Q. And what was your purpose in calling for the</b> <span style="float: right;">10:25:05</span></p> <p>16       <b>meeting on March 9th of 2018?</b></p> <p>17               A. As just a simple goodbye to staff that had</p> <p>18       worked hard for me.</p> <p>19       <b>Q. And, specifically, what did you tell your staff</b></p> <p>20       <b>at that meeting on March 9th of 2018?</b> <span style="float: right;">10:25:22</span></p> <p>21               A. I specifically cannot remember other than</p> <p>22       saying that I've decided to resign. "I wanted -- I</p> <p>23       just appreciate all the hard work that you've done for</p> <p>24       me in the -- in the past. And I've had a good stint</p> <p>25       here, and I'm going to move on." <span style="float: right;">10:25:44</span></p> <p style="text-align: right;">Page 18</p>	<p>1               A. That I don't remember what his discussion was,</p> <p>2       but I say, "You know what? I think it's best that I</p> <p>3       move on. I don't like the politics here."</p> <p>4       <b>Q. And when you told Mr. Bramlett that you didn't</b></p> <p>5       <b>like the politics at the District, what did you mean?</b> <span style="float: right;">10:27:10</span></p> <p>6               A. Just that.</p> <p>7       <b>Q. What? Sorry.</b></p> <p>8               A. That I didn't like the politics of -- of the</p> <p>9       Board basically.</p> <p>10       <b>Q. And when you say you didn't like the politics</b> <span style="float: right;">10:27:25</span></p> <p>11       <b>of the Board, what are you referring to specifically?</b></p> <p>12               A. I felt certain pressures that -- I felt that</p> <p>13       the direction I was taking the program was not in the</p> <p>14       same direction that the Board wanted the program to be</p> <p>15       in. <span style="float: right;">10:27:45</span></p> <p>16       <b>Q. Did you feel that the Board -- and you're</b></p> <p>17       <b>referring to the Board of Education?</b></p> <p>18               A. Yes.</p> <p>19       <b>Q. And did you believe that the Board of Education</b></p> <p>20       <b>was treating you unfairly?</b> <span style="float: right;">10:27:57</span></p> <p>21               A. No.</p> <p>22       <b>Q. But you believed that you and the Board had</b></p> <p>23       <b>different ideas about how the O.I.G.'s office should be</b></p> <p>24       <b>run?</b></p> <p>25               A. Yes. <span style="float: right;">10:28:10</span></p> <p style="text-align: right;">Page 20</p>
<p>1       <b>Q. Okay.</b></p> <p>2       <b>And did any of your staff members ask you why</b></p> <p>3       <b>you were resigning?</b></p> <p>4               A. No.</p> <p>5       <b>Q. Did you ever have a conversation with Kenneth</b> <span style="float: right;">10:25:52</span></p> <p>6       <b>Bramlett about your decision to resign?</b></p> <p>7               A. Yes.</p> <p>8       <b>Q. And what did you and Mr. Bramlett -- well,</b></p> <p>9       <b>first, when did you and Mr. Bramlett -- Bramlett</b></p> <p>10       <b>discuss your decision to resign?</b> <span style="float: right;">10:26:13</span></p> <p>11               A. On March 8th.</p> <p>12       <b>Q. Was it a private discussion just between you</b></p> <p>13       <b>and him?</b></p> <p>14               A. Yes.</p> <p>15       <b>Q. Did Mr. Bramlett try to talk you out of</b> <span style="float: right;">10:26:23</span></p> <p>16       <b>resigning?</b></p> <p>17               A. No.</p> <p>18       <b>Q. And what did you and Mr. Bramlett talk about</b></p> <p>19       <b>regarding your decision to resign?</b></p> <p>20               A. I don't -- I don't specifically remember, sir. <span style="float: right;">10:26:34</span></p> <p>21       <b>Q. I understood you're not going to be able to</b></p> <p>22       <b>remember verbatim.</b></p> <p>23               Can you tell me generally what you and</p> <p>24       Mr. Bramlett talked about regarding your decision to</p> <p>25       design -- to resign? <span style="float: right;">10:26:46</span></p> <p style="text-align: right;">Page 19</p>	<p>1       <b>Q. That was not the only reason why you decided to</b></p> <p>2       <b>resign, though; correct?</b></p> <p>3               MR. HILL: Argumentative.</p> <p>4               THE WITNESS: It's personal.</p> <p>5       BY MR. BROWN: <span style="float: right;">10:28:18</span></p> <p>6       <b>Q. So I can make sure I understand you, so in</b></p> <p>7       <b>terms of you having a different view of how the</b></p> <p>8       <b>O.I.G.'s office should be run than the Board, that was</b></p> <p>9       <b>not the only reason why you decided to resign; is that</b></p> <p>10       <b>correct?</b> <span style="float: right;">10:28:39</span></p> <p>11               A. I'm not sure I understand your question</p> <p>12       correctly.</p> <p>13       <b>Q. All right.</b></p> <p>14               <b>In terms of your decision to resign, how many</b></p> <p>15       <b>reasons were there?</b> <span style="float: right;">10:28:49</span></p> <p>16               A. Well, I -- as I said, my resignation is</p> <p>17       personal.</p> <p>18       <b>Q. Uh-huh.</b></p> <p>19               A. And as I stated to you, I felt that the</p> <p>20       politics of the District were different than mine. <span style="float: right;">10:29:03</span></p> <p>21       <b>Q. Got it.</b></p> <p>22               <b>Did Mr. Bramlett try to talk you out of</b></p> <p>23       <b>resigning?</b></p> <p>24               A. No.</p> <p>25               MR. HILL: Asked and answered. <span style="float: right;">10:29:13</span></p> <p style="text-align: right;">Page 21</p>

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<p>1 BY MR. BROWN:</p> <p>2 <b>Q. Did Mr. Bramlett express to you that he</b></p> <p>3 <b>believed that you were making the right decision in</b></p> <p>4 <b>resigning?</b></p> <p>5 A. I don't remember. 10:29:22</p> <p>6 <b>Q. Mr. Bramlett during the time that you were the</b></p> <p>7 <b>deputy inspector of the O.I.G.'s office, he was your</b></p> <p>8 <b>direct supervisor; is that correct?</b></p> <p>9 A. He was.</p> <p>10 <b>Q. And did Mr. Bramlett give you annual</b> 10:29:38</p> <p>11 <b>performance evaluations?</b></p> <p>12 A. I believe so, yes.</p> <p>13 <b>Q. And how would you describe your working</b></p> <p>14 <b>relationship with Mr. Bramlett?</b></p> <p>15 A. It was very good. 10:29:53</p> <p>16 <b>Q. And you've had an opportunity to observe him as</b></p> <p>17 <b>he performed his duties as the inspector general?</b></p> <p>18 A. I'm sorry.</p> <p>19 <b>Q. You've had an opportunity to observe him as he</b></p> <p>20 <b>performed his duties as Inspector General?</b> 10:30:06</p> <p>21 A. Yes.</p> <p>22 <b>Q. And you've had frequent interactions with</b></p> <p>23 <b>Mr. Bramlett based on the fact that he was your</b></p> <p>24 <b>supervisor and you were his direct subordinate?</b></p> <p>25 A. Yes. 10:30:19</p> <p style="text-align: right;">Page 22</p>	<p>1 MR. HILL: Vague as to time.</p> <p>2 BY MR. BROWN:</p> <p>3 <b>Q. During the time that he supervised you.</b></p> <p>4 A. Did I have any observations or...</p> <p>5 <b>Q. Did you have any criticisms of Mr. Bramlett as</b> 10:31:36</p> <p>6 <b>your supervisor during the time that he supervised you</b></p> <p>7 <b>based on your observations?</b></p> <p>8 A. Not overriding criticisms, but I may have</p> <p>9 mentioned at some point something. I'm not sure.</p> <p>10 <b>Q. You can't recall as you sit here?</b> 10:31:54</p> <p>11 A. Not specifically, no.</p> <p>12 <b>Q. Where did you work before you began your</b></p> <p>13 <b>employment with the District?</b></p> <p>14 A. U.S. Department of Justice, Office of the</p> <p>15 Inspector General in Glendale, California. 10:32:14</p> <p>16 <b>Q. And how long did you work at the U.S.</b></p> <p>17 <b>Department of Justice?</b></p> <p>18 A. In that position -- in that office 17 years.</p> <p>19 <b>Q. Were you the Inspector General?</b></p> <p>20 A. I was not. 10:32:27</p> <p>21 <b>Q. What was your position?</b></p> <p>22 A. I was a special agent in charge.</p> <p>23 <b>Q. What were your duties?</b></p> <p>24 A. I oversaw the office -- the field office -- the</p> <p>25 Los Angeles field office, which at different points in 10:32:40</p> <p style="text-align: right;">Page 24</p>
<p>1 <b>Q. And based upon your professional interactions</b></p> <p>2 <b>with Mr. Bramlett and your observations, are you -- do</b></p> <p>3 <b>you have an opinion regarding his competence as</b></p> <p>4 <b>Inspector General?</b></p> <p>5 A. He's competent. 10:30:30</p> <p>6 <b>Q. And as a supervisor, what do you believe his</b></p> <p>7 <b>strengths were?</b></p> <p>8 MR. HILL: You can answer that question.</p> <p>9 THE WITNESS: What his strength were?</p> <p>10 Well, he -- he had a very good working 10:30:39</p> <p>11 knowledge of what an Inspector General's office should</p> <p>12 be doing in terms of audits and investigations. And he</p> <p>13 had a lot of experience in both of those fields.</p> <p>14 BY MR. BROWN:</p> <p>15 <b>Q. Anything else?</b> 10:30:58</p> <p>16 A. I mean, I'm not sure what you're asking.</p> <p>17 <b>Q. I'm asking for what you believe his strengths</b></p> <p>18 <b>were. If you're done with your answer, that's fine.</b></p> <p>19 <b>I'm not looking for anything else. When you're done,</b></p> <p>20 <b>you're done.</b> 10:31:16</p> <p>21 A. I'm done.</p> <p>22 <b>Q. Okay. Good enough.</b></p> <p>23 <b>And did you have any criticisms of Mr. Bramlett</b></p> <p>24 <b>as your supervisor based on your observations and</b></p> <p>25 <b>interactions with him?</b> 10:31:29</p> <p style="text-align: right;">Page 23</p>	<p>1 time oversaw several offices -- one in San Francisco,</p> <p>2 one in San Diego -- but basically oversaw the six</p> <p>3 Western states, including Hawaii and Alaska.</p> <p>4 <b>Q. And why did you leave the U.S. Department of</b></p> <p>5 <b>Justice?</b> 10:33:05</p> <p>6 A. It was always my plan to leave once I was able</p> <p>7 to leave retirementwise. And I could have left as a</p> <p>8 50 years old, which would have gave me 25 years on, but</p> <p>9 I waited through -- I found the position that was</p> <p>10 consistent with the type of experience that I had. 10:33:27</p> <p>11 That position became available at Los Angeles</p> <p>12 Unified, which was similar work in Los Angeles, where I</p> <p>13 wanted to remain. And I put in for the position, got</p> <p>14 the position, and I was able to retire with</p> <p>15 approximately 25 years of federal service having 10:33:44</p> <p>16 received a retirement -- an immediate retirement as</p> <p>17 they call it.</p> <p>18 <b>Q. During the time that you worked at the U.S.</b></p> <p>19 <b>Department of Justice, were you ever accused or alleged</b></p> <p>20 <b>to have used racially insensitive language or racially</b> 10:34:01</p> <p>21 <b>offensive language towards anyone in the workplace?</b></p> <p>22 MR. HILL: I think I'll object on privacy</p> <p>23 grounds. Instruct the witness not to answer.</p> <p>24 MR. BROWN: All right. Just so I can make a</p> <p>25 record, I'm going to cite a case. Johnson v. United 10:34:32</p> <p style="text-align: right;">Page 25</p>

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<p>1 Cerebral Palsy/Spastic Children's Foundation of 2 Los Angeles and Ventura Counties, 173 Cal.App.4th 740. 3 The year 2009.</p> <p>4 MR. HILL: Slow down. Can you repeat the cite 5 again? 10:34:49</p> <p>6 MR. BROWN: I certainly can. 7 173.</p> <p>8 MR. HILL: Uh-huh.</p> <p>9 MR. BROWN: Cal.App.4th 740. The year 2009.</p> <p>10 "In which the court concluded that 10:34:57 11 contested "me too" declarations are 12 admissible. They can constitute 13 substantial circumstantial evidence 14 which is sufficient to raise triable 15 issues in material fact as to the 10:35:08 16 reason for plaintiff's termination."</p> <p>17 To the extent that I ask questions regarding 18 Mr. Cabibi potentially racist attitudes or any racially 19 offensive statements, I think that that information is 20 pertinent in case I want to obtain me-too declarations 10:35:25 21 in order to oppose the District's motion for summary 22 judgment.</p> <p>23 Does that change your position, Counsel?</p> <p>24 MR. HILL: It does not.</p> <p>25 MR. BROWN: All right. What I'm going to do is 10:35:36</p> <p style="text-align: right;">Page 26</p>	<p>1 <b>discrimination?</b></p> <p>2 MR. HILL: Object on privacy grounds. Instruct 3 the witness not to answer.</p> <p>4 BY MR. BROWN:</p> <p>5 <b>Q. Are you going to follow your attorney's 10:36:55</b> 6 <b>instructions?</b></p> <p>7 A. I am.</p> <p>8 <b>Q. Aside from your employment at the U.S.</b> 9 <b>Department of Justice and the Los Angeles Unified</b> 10 <b>School District, have you ever been accused of engaging 10:37:13</b> 11 <b>in racial or gender discrimination in the workplace?</b></p> <p>12 MR. HILL: That assumes facts, but you can 13 answer.</p> <p>14 THE WITNESS: I'm sorry. You have to repeat. 15 It was sort of... 10:37:32</p> <p>16 BY MR. BROWN:</p> <p>17 <b>Q. Assume -- okay.</b> 18 <b>Aside from your employment with the U.S.</b> 19 <b>Department of Justice and the District, have you ever</b> 20 <b>been accused of engaging in racial -- in racial or 10:37:42</b> 21 <b>gender discrimination in the workplace?</b></p> <p>22 MR. HILL: Again, it assumes facts, but you can 23 answer.</p> <p>24 THE WITNESS: Well, I like to sort of just -- 25 MR. HILL: Answer his question to the best of 10:37:58</p> <p style="text-align: right;">Page 28</p>
<p>1 I'm going to give you a copy of this case. I'll ask 2 you, if you choose to, to read it and then I'll try to 3 revisit this topic. And if it doesn't change your 4 position, then I will likely be going to court and see 5 if we can have the court resolve this. 10:35:51</p> <p>6 MR. HILL: That's fine.</p> <p>7 MR. BROWN: Sorry.</p> <p>8 MR. HILL: No problem.</p> <p>9 MR. BROWN: Sorry for that.</p> <p>10 MR. HILL: No, no. I didn't think you did that 10:35:57 11 intentionally.</p> <p>12 MR. BROWN: Thank you.</p> <p>13 BY MR. BROWN:</p> <p>14 <b>Q. During the time that you were at the U.S.</b> 15 <b>Department of Justice, was it ever alleged or were you</b> 16 <b>ever accused of making discriminatory remarks or</b> 17 <b>comments based on gender in the workplace?</b> 10:36:03</p> <p>18 MR. HILL: I'll object on privacy grounds. 19 Instruct the witness not to answer.</p> <p>20 BY MR. BROWN: 10:36:22</p> <p>21 <b>Q. And you are going to follow your attorney's</b> 22 <b>instructions in not answering; is that correct?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. While at the U.S. Department of Justice, were</b> 25 <b>you ever investigated for engaging in gender or racial 10:36:45</b></p> <p style="text-align: right;">Page 27</p>	<p>1 your ability.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. BROWN:</p> <p>4 <b>Q. All right.</b> 5 <b>Do you have other employment lined up? 10:38:29</b></p> <p>6 A. Not at the present.</p> <p>7 <b>Q. Does the O.I.G. -- back on the District now,</b> 8 <b>does the O.I.G. have a mission statement?</b></p> <p>9 A. I'm sure they do. I can't recall what it is. 10 <b>Q. Okay. Good enough. That's fine. 10:38:48</b> 11 <b>When did you begin your employment with the</b> 12 <b>L.A.U.S.D.?</b></p> <p>13 A. May, 2014.</p> <p>14 <b>Q. And what was your job title?</b> 15 A. Deputy Inspector General for Investigations 10:39:07 16 Unit.</p> <p>17 <b>Q. And that is your job title currently; correct?</b> 18 A. It is.</p> <p>19 <b>Q. And what were the duties of your job title?</b> 20 A. Basically program manager. And as such to 10:39:18 21 manage the Investigations Unit.</p> <p>22 <b>Q. And do you have any experiences as an</b> 23 <b>investigator yourself?</b></p> <p>24 A. I do.</p> <p>25 <b>Q. And did you conduct investigations at the 10:39:38</b></p> <p style="text-align: right;">Page 29</p>

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<div>1 <b>Department of Justice?</b></div> <div>2 A. I did.</div> <div>3 <b>Q. Over what period of time?</b></div> <div>4 A. Since hiring on board with the government in</div> <div>5 November, 2000 -- excuse me. November, 1987. 10:39:54</div> <div>6 <b>Q. So would it be accurate to say that, during the</b></div> <div>7 <b>entire 17 years you were with the U.S. Department of</b></div> <div>8 <b>Justice, that you conducted investigations?</b></div> <div>9 A. And at other agencies as well.</div> <div>10 <b>Q. What other agencies?</b> 10:40:12</div> <div>11 A. U.S. Department of Agriculture, Office of the</div> <div>12 Inspector General. And the Department -- U.S.</div> <div>13 Department of Justice, Immigration and Nationalization</div> <div>14 Service, which is no longer an agency.</div> <div>15 <b>Q. Also used to be known as the I.N.S.?</b> 10:40:33</div> <div>16 A. Also known as the I.N.S., but it was also U.S.</div> <div>17 Department of Justice.</div> <div>18 <b>Q. Understood.</b></div> <div>19 <b>And how long were you at the U.S. Department of</b></div> <div>20 <b>Justice, I.N.S.?</b> 10:40:48</div> <div>21 A. Approximately eight years.</div> <div>22 <b>Q. And then after that, you went to the U.S.</b></div> <div>23 <b>Department of Justice, Agriculture?</b></div> <div>24 A. U.S. -- U.S. Department of Agriculture, O.I.G.</div> <div>25 <b>Q. Got it.</b> 10:40:59</div> <div>Page 30</div>	<div>1 <b>Q. At the U.S. Department of Justice, I.N.S., were</b></div> <div>2 <b>you ever accused of engaging in racial or gender</b></div> <div>3 <b>discrimination?</b></div> <div>4 MR. HILL: I'll object. Privacy grounds.</div> <div>5 Instruct the witness not to answer. 10:42:21</div> <div>6 BY MR. BROWN:</div> <div>7 <b>Q. At the U.S. Department of Agriculture, were you</b></div> <div>8 <b>ever accused of engaging in racial or gender</b></div> <div>9 <b>discrimination in the workplace?</b></div> <div>10 MR. HILL: I'll object. Privacy grounds. 10:42:36</div> <div>11 Instruct the witness not to answer.</div> <div>12 BY MR. BROWN:</div> <div>13 <b>Q. Are you going to follow your attorney's</b></div> <div>14 <b>instruction in both instances?</b></div> <div>15 A. Yes. 10:42:42</div> <div>16 <b>Q. When you were -- in terms of your duties at the</b></div> <div>17 <b>District, did that include assigning cases to</b></div> <div>18 <b>investigators?</b></div> <div>19 A. At one point and -- and at different times</div> <div>20 throughout, yes. 10:42:56</div> <div>21 <b>Q. And did that include disciplining employees</b></div> <div>22 <b>when it was appropriate?</b></div> <div>23 A. Yes.</div> <div>24 <b>Q. And did your duties as the Deputy Inspector</b></div> <div>25 <b>General also include evaluating the performance of your</b> 10:43:13</div> <div>Page 32</div>
<div>1 <b>How long --</b></div> <div>2 A. Also known as U.S.D.A. -- excuse me.</div> <div>3 <b>Q. Got it.</b></div> <div>4 <b>How long were you there?</b></div> <div>5 A. I want to say 16 or 18 months. 10:41:06</div> <div>6 <b>Q. And why did you leave the U.S. Department of</b></div> <div>7 <b>Justice, I.N.S.?</b></div> <div>8 A. I liked O.I.G. work, and I had an opportunity</div> <div>9 to get approximately half the distance from my house.</div> <div>10 Closer to my home. 10:41:28</div> <div>11 <b>Q. Okay.</b></div> <div>12 <b>And why did you leave -- why did you leave the</b></div> <div>13 <b>U.S. Department of Agriculture?</b></div> <div>14 A. For promotion.</div> <div>15 <b>Q. When you say "for promotion," is that to say</b> 10:41:38</div> <div>16 <b>that you thought you deserved a promotion and didn't</b></div> <div>17 <b>get it?</b></div> <div>18 A. No. It was a -- it was a position that was</div> <div>19 higher than the -- the -- the level I was at.</div> <div>20 <b>Q. At another agency?</b> 10:41:52</div> <div>21 A. At another agency.</div> <div>22 <b>Q. At the U.S. Department of Justice in Glendale?</b></div> <div>23 A. Correct. With -- with benefits -- other</div> <div>24 benefits, such as a vehicle, which I didn't have at</div> <div>25 U.S.D.A. 10:42:05</div> <div>Page 31</div>	<div>1 <b>subordinates, including the investigators?</b></div> <div>2 A. Yes.</div> <div>3 <b>Q. And you've prepared performance evaluations for</b></div> <div>4 <b>your subordinates?</b></div> <div>5 A. I have, yes. 10:43:38</div> <div>6 <b>Q. And what is the purpose of -- of preparing a</b></div> <div>7 <b>performance evaluation for a subordinate?</b></div> <div>8 A. Just documentary form indicating how the person</div> <div>9 is doing. To try to speak to the person to let them</div> <div>10 know where they're deficient or where they're 10:44:00</div> <div>11 succeeding, and -- and so that you have a way of</div> <div>12 communicating in a formal format.</div> <div>13 <b>Q. And so one goal of the performance evaluation</b></div> <div>14 <b>is to give constructive feedback?</b></div> <div>15 A. Absolutely. 10:44:17</div> <div>16 <b>Q. Because you want to help your subordinate be</b></div> <div>17 <b>the very best employee they can be?</b></div> <div>18 A. Absolutely.</div> <div>19 <b>Q. And when you -- and it's your practice in doing</b></div> <div>20 <b>performance evaluations to let your employee or let</b> 10:44:30</div> <div>21 <b>your subordinate know what they're doing well and what</b></div> <div>22 <b>they need improvement on?</b></div> <div>23 A. Yes.</div> <div>24 <b>Q. And in terms of disciplining your subordinates,</b></div> <div>25 <b>one of the reasons why you do that is to help correct</b> 10:44:47</div> <div>Page 33</div>

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<div>1     <b>their behavior so that they can become better employees</b></div> <div>2     <b>on behalf of the District?</b></div> <div>3         A. It depends what the -- the matter that is</div> <div>4     causing the discipline is, but yes, in general.</div> <div>5         <b>Q. Okay.</b> <span style="float: right;">10:45:05</span></div> <div>6         <b>And in terms of evaluating the performance of</b></div> <div>7     <b>your subordinates, is that a duty that you took</b></div> <div>8     <b>seriously as Deputy Inspector General?</b></div> <div>9         A. I'm sorry. You'll have to repeat.</div> <div>10        <b>Q. Certainly.</b> <span style="float: right;">10:45:18</span></div> <div>11        <b>In terms of evaluating the performance of your</b></div> <div>12    <b>subordinates, that is a duty that you took seriously?</b></div> <div>13        A. Of course.</div> <div>14        <b>Q. And in terms of disciplining your subordinates,</b></div> <div>15    <b>that's a duty that you took seriously?</b> <span style="float: right;">10:45:30</span></div> <div>16        A. Absolutely.</div> <div>17        <b>Q. And as of now, who is your direct subordinate?</b></div> <div>18        A. Who is my direct subordinate?</div> <div>19        <b>Q. First, I assume facts not in evidence.</b></div> <div>20        <b>Do you have direct subordinate?</b> <span style="float: right;">10:45:56</span></div> <div>21        A. As I stated, I resigned my position; so, in</div> <div>22    fact, I'm not -- no longer at work.</div> <div>23        <b>Q. You know what? You did say that. I was</b></div> <div>24    <b>thinking -- I was looking at it as -- as if you are</b></div> <div>25    <b>still Deputy Inspector General until April 13th.</b> <span style="float: right;">10:46:12</span></div> <div style="text-align: right;">Page 34</div>	<div>1     <b>Mr. McMillen a supervising investigator?</b></div> <div>2         A. No.</div> <div>3         <b>Q. What about Mr. Finnigan?</b></div> <div>4         A. I don't believe he was even at the District</div> <div>5     yet. <span style="float: right;">10:48:02</span></div> <div>6         <b>Q. The only supervising investigator as of</b></div> <div>7     <b>January of 2016 would have been Jorge Urquijo?</b></div> <div>8         A. That's correct.</div> <div>9         <b>Q. So when did the structure change?</b></div> <div>10        A. So sometime after -- to answer your question <span style="float: right;">10:48:20</span></div> <div>11    more concisely, Mr. Bejerano became one of my</div> <div>12    subordinates sometime in 2017. And the -- Mr. McMillen</div> <div>13    and Mr. Finnigan as of December 22nd, 2017.</div> <div>14        <b>Q. Aside from the District, did you previously</b></div> <div>15    <b>work with Mr. McMillen?</b> <span style="float: right;">10:48:53</span></div> <div>16        A. He -- he had worked for me, but different</div> <div>17    agencies. We've worked together on one case, but not</div> <div>18    with me directly, with one of my subordinates.</div> <div>19        <b>Q. Did you recommend that Mr. McMillen be hired to</b></div> <div>20    <b>the District?</b> <span style="float: right;">10:49:12</span></div> <div>21        A. No.</div> <div>22        <b>Q. Did you recruit Mr. McMillen?</b></div> <div>23        A. No.</div> <div>24        <b>Q. Prior to Mr. Finnegan's employment with the</b></div> <div>25    <b>District, did you and he ever work together?</b> <span style="float: right;">10:49:19</span></div> <div style="text-align: right;">Page 36</div>
<div>1         <b>But you have -- you have officially -- you have</b></div> <div>2     <b>resigned; correct?</b></div> <div>3         A. I resigned.</div> <div>4         <b>Q. Okay.</b></div> <div>5         <b>Who did you used to have a direct subordinate</b> <span style="float: right;">10:46:23</span></div> <div>6     <b>when you were the Deputy Inspector General?</b></div> <div>7         A. So I had three when I last left.</div> <div>8         <b>Q. And who were they?</b></div> <div>9         A. Jorge Guizar, Donald McMillen, and Walter</div> <div>10    Finnigan. And Rey Bejerano. Bejerano. Excuse me. <span style="float: right;">10:46:50</span></div> <div>11        <b>Q. Can I ask you to spell that, please?</b></div> <div>12        A. I believe it's B-e-g -- j-e-r-a-n-o.</div> <div>13        <b>Q. Bejerano. Okay.</b></div> <div>14        <b>And what is Mr. -- well, at the time that you</b></div> <div>15    <b>left, what was Mr. Urquijo's job title?</b> <span style="float: right;">10:47:16</span></div> <div>16        A. Supervising investigator.</div> <div>17        <b>Q. And what is Mr. McMillen's job title?</b></div> <div>18        A. Supervising investigator. Supervising</div> <div>19    investigator, excuse me. <span style="float: right;">10:47:31</span></div> <div>20        <b>Q. Mr. Finnigan?</b></div> <div>21        A. Same.</div> <div>22        <b>Q. The same for Mr. Bejerano?</b></div> <div>23        A. No. Audit manager.</div> <div>24        <b>Q. As of January of 2016, at the time that</b></div> <div>25    <b>Ms. Dorsey was employed with the District, was</b> <span style="float: right;">10:47:47</span></div> <div style="text-align: right;">Page 35</div>	<div>1         A. No.</div> <div>2         <b>Q. Prior to Mr. Finnigan starting his employment</b></div> <div>3     <b>with the District, did you know him?</b></div> <div>4         A. No.</div> <div>5         <b>Q. During the time that you were an Inspector</b> <span style="float: right;">10:49:28</span></div> <div>6     <b>General, did you ever recruit any people that you used</b></div> <div>7     <b>to work for in any prior agencies that you worked for?</b></div> <div>8         A. No.</div> <div>9         <b>Q. Were you involved in any way in the hiring of</b></div> <div>10    <b>any staff to the O.I.G.?</b> <span style="float: right;">10:49:46</span></div> <div>11        A. I'm sorry. I don't understand the question.</div> <div>12        <b>Q. Certainly.</b></div> <div>13        <b>Were you involved in the hiring process for any</b></div> <div>14    <b>staff member for the O.I.G.?</b></div> <div>15        MR. HILL: Vague as to time. <span style="float: right;">10:50:03</span></div> <div>16        You can answer to the extent that you can.</div> <div>17    BY MR. BROWN:</div> <div>18        <b>Q. At any time during the time that you were the</b></div> <div>19    <b>Deputy Inspector General?</b></div> <div>20        A. I'm not trying to be difficult. <span style="float: right;">10:50:13</span></div> <div>21        <b>Q. I don't think you are?</b></div> <div>22        A. I don't understand what you mean by hiring</div> <div>23    because there's a personnel commission that does the</div> <div>24    hiring of people.</div> <div>25        <b>Q. That's fair.</b> <span style="float: right;">10:50:20</span></div> <div style="text-align: right;">Page 37</div>

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<p>1       <b>During the time that you were the Deputy</b></p> <p>2       <b>Inspector General, did you ever recommend that anyone</b></p> <p>3       <b>be hired to the O.I.G.'s office?</b></p> <p>4       A. Well, yes. As someplace in the process --</p> <p>5       <b>Q. Uh-huh.</b> 10:50:36</p> <p>6       A. -- when a list is generated -- what they call</p> <p>7       the eligibility list --</p> <p>8       <b>Q. Uh-huh.</b></p> <p>9       A. -- that is -- that list is provided to me. At</p> <p>10       that point we get to interview the people depending on 10:50:45</p> <p>11       how many positions are available. So let's just work</p> <p>12       on one position.</p> <p>13       <b>Q. Uh-huh.</b></p> <p>14       A. There's a list of three -- top three as they</p> <p>15       call it. 10:50:57</p> <p>16       <b>Q. Uh-huh.</b></p> <p>17       A. And we interview those people and try to make a</p> <p>18       determination of who is best qualified for the need and</p> <p>19       resources that we need in the unit at the time.</p> <p>20       <b>Q. Okay.</b> 10:51:10</p> <p>21       A. And based on that -- excuse me. If I may</p> <p>22       continue. And based on that, I would make a</p> <p>23       recommendation to the Inspector General.</p> <p>24       <b>Q. During the time that you were the Deputy</b></p> <p>25       <b>Inspector General, did you ever work with someone who</b> 10:51:29</p> <p style="text-align: right;">Page 38</p>	<p>1       Mr. McMillen was the only one I'm familiar with.</p> <p>2       <b>Q. As of January of 2016, can you tell me the</b></p> <p>3       <b>names of the people who were in your section?</b></p> <p>4       A. Sure. I'll try my best.</p> <p>5       <b>Q. Please. That's fine. That's all I can ask.</b> 10:53:11</p> <p>6       A. Mr. Urquijo was the supervising investigator.</p> <p>7       I'm just physically going around the room. Ms. Nancy</p> <p>8       McGuire who had been there before I got there.</p> <p>9       Mr. Brett Palmer who was there before I got there.</p> <p>10       Ms. Connie De Los San -- los -- excuse me. De 10:53:29</p> <p>11       Los Santos was a forensic accountant before I got</p> <p>12       there. Ms. Maria Kress was a -- was a provisional</p> <p>13       investigator before I got there.</p> <p>14       <b>Q. Uh-huh.</b></p> <p>15       A. Ms. Cheryl Dorsey was a senior investigator 10:53:52</p> <p>16       before I got there. Mr. George Tillman was a senior</p> <p>17       investigator before I got there. And Mr. Michael</p> <p>18       Atkinson was a senior investigator before I got there.</p> <p>19       And just to correct one thing, when I first got</p> <p>20       there, Mr. Urquijo was a provisional investigative -- 10:54:13</p> <p>21       MR. HILL: I think he said as of -- correct me</p> <p>22       if I'm wrong.</p> <p>23       THE WITNESS: Yes, you're right.</p> <p>24       MR. HILL: January 2016.</p> <p>25       THE WITNESS: Sorry.</p> <p style="text-align: right;">Page 40</p>
<p>1       <b>formally worked with you at a prior agency?</b></p> <p>2       MR. HILL: That's vague.</p> <p>3       Do you understand what he means?</p> <p>4       THE WITNESS: I don't. Not "formally," but --</p> <p>5       I don't understand what you mean by "formally." 10:51:42</p> <p>6       BY MR. BROWN:</p> <p>7       <b>Q. If you don't, that's fine.</b></p> <p>8       <b>So meaning, someone you used to work with at</b></p> <p>9       <b>another agency.</b></p> <p>10       A. Mr. McMillen had worked with an agency called 10:51:50</p> <p>11       the U.S. Department of Justice, Drug Enforcement</p> <p>12       Agency, D.E.A., Office of Professional Responsibility.</p> <p>13       They had a similar function to the U.S. Department of</p> <p>14       Justice, Office of the Inspector General. And that</p> <p>15       was -- 10:52:15</p> <p>16       That when we would investigate a D.E.A.</p> <p>17       employee and depending on the matter under</p> <p>18       investigation, there was an opportunity to work</p> <p>19       alongside O.P.R. -- D.E.A. O.P.R.</p> <p>20       And there was one occasion when Mr. McMillen 10:52:29</p> <p>21       worked with one of my subordinate agents in the Los</p> <p>22       Angeles field office on a case involving a theft of</p> <p>23       some items. Excuse me. A theft of some item.</p> <p>24       And so, yes, to answer your question. Of all</p> <p>25       the people that worked for me at the District, 10:52:47</p> <p style="text-align: right;">Page 39</p>	<p>1       BY MR. BROWN:</p> <p>2       <b>Q. You already mentioned he was supervising</b></p> <p>3       <b>investigator.</b></p> <p>4       A. Sorry about that.</p> <p>5       <b>Q. That's okay.</b> 10:54:28</p> <p>6       A. And Ms. Mary Pitkins was an investigator. And</p> <p>7       I believe that's it. January, 2016. There might have</p> <p>8       been a couple more. If I'm incorrect -- I know at some</p> <p>9       point there was some hiring. I'm not sure if it was 10:54:50</p> <p>10       before January of 2016 --</p> <p>11       <b>Q. Uh-huh.</b></p> <p>12       A. -- or after, but there was -- yes. Yes.</p> <p>13       "Mr. Michael Trivelsky" --</p> <p>14       <b>Q. Uh-huh.</b></p> <p>15       A. -- was there, and I had worked with him in the 10:54:57</p> <p>16       past.</p> <p>17       <b>Q. Got it.</b></p> <p>18       A. So yes, to answer your earlier question. There</p> <p>19       was someone else I was familiar with, absolutely.</p> <p>20       <b>Q. What was Mr. Trivelsky --</b> 10:55:06</p> <p>21       A. Can we just answer the last one?</p> <p>22       <b>Q. Yes, please.</b></p> <p>23       A. Mr. Mathew Crabtree was another investigator.</p> <p>24       So yes. So Ms. Crabtree -- Mr. Crabtree, Ms. Pitkins</p> <p>25       and Mr. Trivelsky, I want to say, were hired at the 10:55:22</p> <p style="text-align: right;">Page 41</p>

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<p>1 same time. And then some time later, Mr. Finnigan. 2 Right shortly thereafter Mr. Finnigan was also hired 3 off the same list. 4 <b>Q. Got it. Thank you, sir.</b> 5 A. And to go back to our earlier question, which I 10:55:38 6 obviously am not remembering and didn't answer fully, 7 Mr. Michael Trivelsky was someone I was familiar with. 8 And I did tell him about the open position, to be 9 perfectly honest, only because I had -- I was familiar 10 that he was within retirement age as well. Had been 10:55:59 11 started about the same time I did in I.N.S. 12 I never worked with him at I.N.S. He left 13 about a year and a half, two years after I first 14 started in 1987. So I hadn't seen him probably 15 20 years, except for one short occasion for about five 10:56:22 16 minutes while I was at the U.S. Department of Justice 17 O.I.G. in that he was working a case and needed to read 18 some documents at the office. 19 MR. HILL: Give me a second with my client, 20 please. 10:56:36 21 MR. BROWN: Certainly. 22 THE VIDEOGRAPHER: Okay. We are going off 23 camera. The time is 10:56 A.M. 24 (Off the record.) 25 THE VIDEOGRAPHER: We are now back on camera, 10:58:11</p> <p style="text-align: right;">Page 42</p>	<p>1 Correction. Maybe seven months. 2 <b>Q. Seven months. Okay.</b> 3 MR. BROWN: I'm going to show you what I'm 4 going to mark as Exhibit 101. 5 I'll ask you to take a look at that and I'll 10:59:47 6 ask you some questions about it. 7 MR. HILL: Thank you. 8 MR. BROWN: You're welcome. Just let me know 9 when you're done. 10 (Plaintiff's Exhibit 101 was marked 11:00:04 11 for identification.) 12 THE WITNESS: Okay. 13 BY MR. BROWN: 14 <b>Q. All right. You've had a chance to look at</b> 15 <b>Exhibit 101?</b> 11:00:31 16 A. Uh-huh. 17 <b>Q. That's a "Yes"?</b> 18 A. Yes. Sorry. 19 <b>Q. All right. Taking a look at the very last page</b> 20 <b>-- well, actually, first page. And if we look where it</b> 11:00:37 21 <b>says, "Signature of Supervisor," is that your</b> 22 <b>signature?</b> 23 A. It is. 24 <b>Q. Okay.</b> 25 <b>And it's dated August 14th of 2014; correct?</b> 11:00:47</p> <p style="text-align: right;">Page 44</p>
<p>1 and the time is 10:58 A.M. 2 BY MR. BROWN: 3 <b>Q. All right. Mr. Cabibi, are you ready?</b> 4 A. Yes, sir. 5 <b>Q. Very good.</b> 10:58:20 6 <b>So, Mr. Cabibi, was Brett Palmer -- he was an</b> 7 <b>investigator; is that correct?</b> 8 A. Yes. 9 <b>Q. And Ms. Dorsey was a senior investigator; is</b> 10 <b>that right?</b> 10:58:29 11 A. She was. 12 <b>Q. So in terms -- was there any substantive or</b> 13 <b>qualitative difference between a senior investigator</b> 14 <b>and an -- and an investigator?</b> 15 A. As I saw it, based on my experiences in the 10:58:37 16 past and once I arrived there and sort of understood 17 the process, a -- a senior investigator was sort of a 18 lead investigator, or someone that would get more 19 complex investigations assigned to them. 20 <b>Q. And you started your employment with the</b> 10:58:57 21 <b>District in May of 2014?</b> 22 A. Correct. 23 <b>Q. And at that time, Ms. Dorsey was your direct</b> 24 <b>subordinate?</b> 25 A. Yes, for a period of five months. 10:59:10</p> <p style="text-align: right;">Page 43</p>	<p>1 A. Yes. 2 <b>Q. And where it says "Signature of Reviewer," is</b> 3 <b>that Mr. Bramlett's signature?</b> 4 A. I believe it is. 5 <b>Q. And during the time that you were</b> 11:00:57 6 <b>Mr. Bramlett's direct subordinate, you've seen his</b> 7 <b>signature before?</b> 8 A. Yes. 9 <b>Q. All right.</b> 10 <b>And this -- this is a performance evaluation</b> 11:01:05 11 <b>you prepared for Cheryl Dorsey; is that right?</b> 12 A. Yes. I don't believe I prepared the whole -- 13 well, I don't remember a specific -- I do remember the 14 first page. 15 <b>Q. Uh-huh.</b> 11:01:24 16 A. But as I look at the very last page, I don't 17 recognize the signature that is. 18 <b>Q. Okay.</b> 19 <b>So if we look at the very last page, where it</b> 20 <b>says "Supervisor's Signature," is that -- is that</b> 11:01:36 21 <b>Mr. Bramlett?</b> 22 A. Oh, I'm sorry. I -- I -- I do see what the 23 issue is. So this is two separate performance 24 appraisals. 25 <b>Q. Oh, okay. That is the issue.</b> 11:01:48</p> <p style="text-align: right;">Page 45</p>

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<p>1 A. Yeah.</p> <p>2 <b>Q. The one that you did would just be the first</b></p> <p>3 <b>page; is that right?</b></p> <p>4 A. That's correct.</p> <p>5 <b>Q. So what we're going to do is we'll just make</b> 11:01:56</p> <p>6 <b>the first page Exhibit 101.</b></p> <p>7 <b>And at the time that you prepared Exhibit 101,</b></p> <p>8 <b>which is just L.A.U.S.D. 709, do you see that, sir?</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. Okay.</b> 11:02:12</p> <p>11 <b>At the time that you prepared this, you had</b></p> <p>12 <b>been supervising Ms. Dorsey since May of 2014; is that</b></p> <p>13 <b>right?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. Did anyone assist you in preparing this</b> 11:02:21</p> <p>16 <b>performance evaluation?</b></p> <p>17 A. No.</p> <p>18 <b>Q. So then where it says "Work Product," you</b></p> <p>19 <b>marked her as meeting standards in terms of the quality</b></p> <p>20 <b>and quantity of her work; is that correct?</b> 11:02:35</p> <p>21 A. Correct.</p> <p>22 <b>Q. In terms of "Work Habits," you rated her as</b></p> <p>23 <b>meeting standards; is that correct?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. And where it says, "Relations with Others," you</b> 11:02:44</p> <p style="text-align: right;">Page 46</p>	<p>1 A. Well, it would generally, if I recall</p> <p>2 correctly --</p> <p>3 <b>Q. Uh-huh.</b></p> <p>4 A. -- and doing the best I could based on</p> <p>5 recollection only -- 11:04:09</p> <p>6 <b>Q. Certainly.</b></p> <p>7 A. -- it would be Ms. McGuire --</p> <p>8 <b>Q. Uh-huh.</b></p> <p>9 A. -- Ms. Kress --</p> <p>10 <b>Q. Uh-huh.</b> 11:04:15</p> <p>11 A. -- Mr. Palmer --</p> <p>12 <b>Q. Uh-huh.</b></p> <p>13 A. -- Mr. Atkinson.</p> <p>14 <b>Q. Uh-huh.</b></p> <p>15 A. I'm trying to think if I -- I don't remember 11:04:26</p> <p>16 having a conversation with Ms. De Los Santos. There</p> <p>17 was only five people around.</p> <p>18 <b>Q. Uh-huh.</b></p> <p>19 A. And Mr. Tillman also as well.</p> <p>20 <b>Q. Okay.</b> 11:04:45</p> <p>21 <b>And were any of these complaints in writing?</b></p> <p>22 A. No.</p> <p>23 <b>Q. And did they come to you with these complaints,</b></p> <p>24 <b>or did you seek them out to discuss Ms. Dorsey?</b></p> <p>25 A. Sir, I did not seek them out. And with regards 11:04:59</p> <p style="text-align: right;">Page 48</p>
<p>1 <b>marked her below standards; is that right?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. And in terms of the Relations with Others, the</b></p> <p>4 <b>benchmark is:</b></p> <p>5 <b>"Consider attitude towards and</b> 11:02:54</p> <p>6 <b>acceptance by other employees,</b></p> <p>7 <b>supervisors, school based personnel,</b></p> <p>8 <b>students, and the public."</b></p> <p>9 <b>Did I read that correctly?</b></p> <p>10 A. Yes. 11:03:05</p> <p>11 <b>Q. Okay.</b></p> <p>12 <b>What were your reasons for rating Ms. Dorsey as</b></p> <p>13 <b>below standards in terms of her relations with others?</b></p> <p>14 A. Mind you, my recollection's from four years</p> <p>15 ago. 11:03:16</p> <p>16 <b>Q. Uh-huh.</b></p> <p>17 A. As far as I could recall, it was a general</p> <p>18 attitude that she had for, not just me and others in</p> <p>19 the office, the accountability of other people</p> <p>20 complaining about her actions or her demeanor towards 11:03:32</p> <p>21 them at the time. That's all -- you know, just -- just</p> <p>22 recollection -- general recollection. I don't remember</p> <p>23 any specifics.</p> <p>24 <b>Q. Can you tell me the names of those people who</b></p> <p>25 <b>complained about Ms. Dorsey's attitude?</b> 11:03:51</p> <p style="text-align: right;">Page 47</p>	<p>1 to Mr. Tillman, it wasn't any complaint. It was just</p> <p>2 general conversation.</p> <p>3 <b>Q. All right.</b></p> <p>4 <b>Why don't we start with -- we'll start with</b></p> <p>5 <b>Mr. Tillman.</b> 11:05:10</p> <p>6 <b>So then prior to preparing this performance</b></p> <p>7 <b>evaluation, what did Mr. Tillman tell you which led you</b></p> <p>8 <b>to conclude that Ms. Dorsey's relations with others</b></p> <p>9 <b>were below standards?</b></p> <p>10 A. So when I first arrived on scene in May -- late 11:05:28</p> <p>11 May of 2014, Mr. Tillman to that point had been the</p> <p>12 acting supervisor, as I understand it. That's what I</p> <p>13 was told.</p> <p>14 And I had several conversations with him in</p> <p>15 regards to case assignments. Just general work product 11:05:46</p> <p>16 from individuals. Things in general about, you know,</p> <p>17 sort of handing over the helm from Mr. Tillman to me.</p> <p>18 Trying to figure out where cases were in terms of, you</p> <p>19 know, proximity of being completed, and things of that</p> <p>20 nature. 11:06:12</p> <p>21 And then just, you know, what type of -- what</p> <p>22 type of person, what type of -- not just Ms. Dorsey,</p> <p>23 but everyone in general. Trying to get an assessment</p> <p>24 of everyone. What kind of work they could do based on</p> <p>25 his assessment. 11:06:26</p> <p style="text-align: right;">Page 49</p>

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<p>1 And, you know, as I understood, there hadn't</p> <p>2 been a Deputy Inspector General for maybe -- there was</p> <p>3 a provisional about a year before, but there hadn't</p> <p>4 been one in a long time. And so just -- just got</p> <p>5 general attitude about the office and the employees. 11:06:46</p> <p>6 <b>Q. What did Mr. Tillman tell you specifically</b></p> <p>7 <b>which led you to conclude that Ms. Dorsey had a problem</b></p> <p>8 <b>in terms of her relation with others?</b></p> <p>9 MR. HILL: That misstates the testimony, but</p> <p>10 you can answer. 11:07:04</p> <p>11 THE WITNESS: I can't remember specifically,</p> <p>12 but I do remember -- I just -- just general that she --</p> <p>13 that there was conversation between us too that she</p> <p>14 didn't like to deal with everyone. I know she got</p> <p>15 along well with Mr. Tillman. And so my conversations 11:07:23</p> <p>16 about her -- about just in general. I wasn't trying --</p> <p>17 MR. HILL: Listen to what his question was. He</p> <p>18 wants to know what Tillman told you about her attitude.</p> <p>19 THE WITNESS: I don't remember specifically.</p> <p>20 BY MR. BROWN: 11:07:39</p> <p>21 <b>Q. Okay.</b></p> <p>22 <b>With respect to Mr. Atkinson, what did</b></p> <p>23 <b>Mr. Atkinson tell you about Ms. Dorsey's attitude which</b></p> <p>24 <b>led you to conclude that she had a problem in her</b></p> <p>25 <b>relations with others?</b> 11:07:54</p> <p style="text-align: right;">Page 50</p>	<p>1 <b>Q. Yes. Prior to you preparing --</b></p> <p>2 A. Right.</p> <p>3 <b>Q. -- this performance evaluation.</b></p> <p>4 A. I can't remember specifically, no.</p> <p>5 <b>Q. Did -- do you recall if Ms. Kress told you 11:09:05</b></p> <p>6 <b>anything negative about Ms. Dorsey's attitude prior to</b></p> <p>7 <b>you preparing this performance evaluation for her that</b></p> <p>8 <b>is dated -- I'm sorry. That is marked 101?</b></p> <p>9 A. I remember that she said that Ms. Dorsey was</p> <p>10 dismissive and that she felt like she had to walk on 11:09:26</p> <p>11 eggshells around her.</p> <p>12 <b>Q. And do you recall what -- well, first, did</b></p> <p>13 <b>Ms. McGuire tell you anything regarding Ms. Dorsey</b></p> <p>14 <b>having problems in her relations with others prior to</b></p> <p>15 <b>you preparing Ms. Dorsey's performance evaluation 11:09:48</b></p> <p>16 <b>marked as Exhibit 101?</b></p> <p>17 A. I don't remember specifically, but there was a</p> <p>18 general that -- that they weren't working together.</p> <p>19 That -- that Ms. Dorsey either worked with herself or</p> <p>20 Mr. Tillman only. And that the rest of the people had 11:10:05</p> <p>21 not worked with her.</p> <p>22 <b>Q. Did they express a desire to work with her?</b></p> <p>23 A. Not particularly.</p> <p>24 <b>Q. And when you were having these conversations</b></p> <p>25 <b>with respect to other O.I.G. members telling you things 11:10:18</b></p> <p style="text-align: right;">Page 52</p>
<p>1 MR. HILL: Misstates the testimony, but you can</p> <p>2 answer to the extent that you can.</p> <p>3 THE WITNESS: As far as maybe I didn't -- I</p> <p>4 didn't state that before. I remember Mr. Atkinson said</p> <p>5 that "She won't even talk to me. She doesn't -- she 11:08:07</p> <p>6 doesn't know," you know.</p> <p>7 Specifically I can't recall, to be honest with</p> <p>8 you. Four years ago. But I do -- I do remember a</p> <p>9 sense of -- that, in general, people altogether were</p> <p>10 saying that she doesn't get along well with us. 11:08:26</p> <p>11 BY MR. BROWN:</p> <p>12 <b>Q. Okay.</b></p> <p>13 <b>What I have to do, though, is go through each</b></p> <p>14 <b>person --</b></p> <p>15 A. Okay. 11:08:34</p> <p>16 <b>Q. -- in order to make sure we have a clear</b></p> <p>17 <b>record.</b></p> <p>18 A. Uh-huh.</p> <p>19 <b>Q. Regarding Mr. Palmer, do you recall -- well,</b></p> <p>20 <b>first, did Mr. Palmer tell you anything regarding 11:08:41</b></p> <p>21 <b>Ms. Dorsey having a problem with relating to others?</b></p> <p>22 A. So this time period --</p> <p>23 <b>Q. Yes.</b></p> <p>24 A. -- that we're talking about is about</p> <p>25 three-month period. 11:08:58</p> <p style="text-align: right;">Page 51</p>	<p>1 <b>about Ms. Dorsey's attitude, did you take any notes?</b></p> <p>2 A. No.</p> <p>3 <b>Q. Is there a reason why you didn't?</b></p> <p>4 A. It was just general, you know. I did not go to</p> <p>5 them to ask -- I do remember coming in, thinking I'm 11:10:38</p> <p>6 going to make my own assumpt -- my own --</p> <p>7 MR. HILL: Answer his question.</p> <p>8 BY MR. BROWN:</p> <p>9 <b>Q. Assessment.</b></p> <p>10 A. I'm sorry. 11:10:50</p> <p>11 Assessment of people.</p> <p>12 <b>Q. Well --</b></p> <p>13 A. I wasn't soliciting.</p> <p>14 <b>Q. When you initially met Ms. Dorsey, would it be</b></p> <p>15 <b>accurate to say that you did not like her? 11:10:58</b></p> <p>16 A. No.</p> <p>17 <b>Q. Did you like her?</b></p> <p>18 A. I liked her in that she was a lot like me.</p> <p>19 <b>Q. In what way?</b></p> <p>20 A. Aggressive. Seeing my -- you know, she's 11:11:10</p> <p>21 trying to get investigations going. I didn't have</p> <p>22 anything negative about her. I didn't know very much</p> <p>23 about her.</p> <p>24 <b>Q. So in terms of preparing this performance</b></p> <p>25 <b>evaluation, aside from Ms. McGuire, Ms. Kress, 11:11:26</b></p> <p style="text-align: right;">Page 53</p>

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<p>1 <b>Mr. Palmer, Mr. Atkinson, and Mr. Tillman, was there</b></p> <p>2 <b>anyone else who gave you any information regarding</b></p> <p>3 <b>Ms. Dorsey having a negative attitude in any respect?</b></p> <p>4 A. Yes, Mr. Bramlett.</p> <p>5 <b>Q. What did Mr. Bramlett say about Ms. Dorsey?</b> 11:11:46</p> <p>6 <b>And I'm talking about the time frame of when -- on or</b></p> <p>7 <b>before you prepared Exhibit 101, which is the</b></p> <p>8 <b>performance evaluation?</b></p> <p>9 A. Again, just a matter of being dismissive and</p> <p>10 not communicating well, but feeling that she doesn't 11:12:03</p> <p>11 get along well with others, but he told me to make up</p> <p>12 my own assessment.</p> <p>13 <b>Q. Did Mr. Bramlett suggest to you or tell you</b></p> <p>14 <b>that Ms. Dorsey had been dismissive of him?</b></p> <p>15 A. Yes. 11:12:21</p> <p>16 <b>Q. Did he give you any specific incidents where</b></p> <p>17 <b>Ms. Dorsey -- where he believed Ms. Dorsey was</b></p> <p>18 <b>dismissive of him?</b></p> <p>19 A. I don't remember.</p> <p>20 <b>Q. Did Mr. Bramlett express to you that he had</b> 11:12:31</p> <p>21 <b>ever counselled Ms. Dorsey regarding her attitude</b></p> <p>22 <b>towards others?</b></p> <p>23 A. I don't remember.</p> <p>24 <b>Q. Did Mr. Bramlett ever directly supervise</b></p> <p>25 <b>Ms. Dorsey?</b> 11:12:41</p> <p style="text-align: right;">Page 54</p>	<p>1 <b>Ms. Dorsey was dismissive?</b></p> <p>2 A. Specifically, no.</p> <p>3 <b>Q. Have you ever seen an interaction between</b></p> <p>4 <b>Ms. Dorsey and Mr. Atkinson where you believe that</b></p> <p>5 <b>Ms. Dorsey was dismissive or negative?</b> 11:14:01</p> <p>6 A. No.</p> <p>7 <b>Q. Have you ever seen an interaction between</b></p> <p>8 <b>Ms. Dorsey and Mr. Palmer where you believe that</b></p> <p>9 <b>Ms. Dorsey was dismissive or negative?</b></p> <p>10 A. Absolutely. 11:14:11</p> <p>11 <b>Q. On how many occasions?</b></p> <p>12 A. Not in the matter we're talking about, but</p> <p>13 there was a matter thereafter that -- that became an</p> <p>14 issue.</p> <p>15 <b>Q. When you say -- okay. And when did that matter</b> 11:14:22</p> <p>16 <b>occur?</b></p> <p>17 A. Datewise, I can't specifically recall, but it's</p> <p>18 sometime in 2015 or maybe even late '14, but I want to</p> <p>19 say it's 2015 when I assigned --</p> <p>20 MR. BROWN: God bless you. 11:14:40</p> <p>21 THE WITNESS: Bless you.</p> <p>22 When I assigned an investigative matter to</p> <p>23 Ms. Dorsey as the lead and Mr. Palmer as the more</p> <p>24 junior investigator.</p> <p>25 /// 11:14:51</p> <p style="text-align: right;">Page 56</p>
<p>1 MR. HILL: Lacks foundation. Calls for</p> <p>2 speculation.</p> <p>3 BY MR. BROWN:</p> <p>4 <b>Q. To your knowledge.</b></p> <p>5 A. I'm not sure at what point Mr. Tillman was put 11:12:45</p> <p>6 in as a supervising investigator. So he could have had</p> <p>7 a point between when he hired on and when Mr. Tillman</p> <p>8 became the supervising investigator, I'm guessing.</p> <p>9 MR. HILL: Don't guess. Only testify of what</p> <p>10 you have personal knowledge about. 11:13:04</p> <p>11 THE WITNESS: I don't know specifically.</p> <p>12 BY MR. BROWN:</p> <p>13 <b>Q. At or around the time that you prepared this</b></p> <p>14 <b>performance evaluation -- and the date you put on it is</b></p> <p>15 <b>August 14 of 2014 -- had Mr. Bramlett described any</b> 11:13:12</p> <p>16 <b>negative interaction that he had had with Ms. Dorsey?</b></p> <p>17 A. I do remember there was some, but I can't</p> <p>18 remember specifically at this time, but most of it was</p> <p>19 made up my assessment.</p> <p>20 <b>Q. Have you ever seen an interaction between</b> 11:13:28</p> <p>21 <b>Ms. Dorsey and Mr. Bramlett where you believed that</b></p> <p>22 <b>Ms. Dorsey was dismissive?</b></p> <p>23 A. No.</p> <p>24 <b>Q. Have you ever seen an interaction between</b></p> <p>25 <b>Ms. Dorsey and Mr. Tillman where you believe that</b> 11:13:48</p> <p style="text-align: right;">Page 55</p>	<p>1 BY MR. BROWN:</p> <p>2 <b>Q. And how was Ms. Dorsey dismissive or negative</b></p> <p>3 <b>towards Mr. Palmer in that situation?</b></p> <p>4 A. She came to complain to me on several</p> <p>5 occasions. It may have been in late 2014. I can't be 11:15:04</p> <p>6 sure, but I know she had an interaction -- one or two</p> <p>7 interactions with me on that specific matter.</p> <p>8 <b>Q. And when you say that she came to complain with</b></p> <p>9 <b>you, what did she complain to you about specifically?</b></p> <p>10 A. That she didn't want to work with Mr. Palmer. 11:15:21</p> <p>11 <b>Q. And did Ms. Dorsey say why she didn't want to</b></p> <p>12 <b>work with Mr. Palmer?</b></p> <p>13 A. I can't remember the specific reasons, but she</p> <p>14 gave me -- she -- you know, she basically gave me an</p> <p>15 ultimatum. That it was either "Assign it to him or 11:15:37</p> <p>16 assign it to me. I don't want to work with him."</p> <p>17 She made a comment that -- that I still</p> <p>18 remember somewhat. That he's like -- "He's like a</p> <p>19 donkey, and that I got to pull him," you know. "And I</p> <p>20 -- I -- I don't want to do that. So it's either him or 11:15:49</p> <p>21 me on this case."</p> <p>22 <b>Q. And how did you respond?</b></p> <p>23 A. "Okay. Since you're the senior on this, I'm</p> <p>24 going to give -- assign the case to you."</p> <p>25 <b>Q. Did you think that Ms. Dorsey was acting</b> 11:16:01</p> <p style="text-align: right;">Page 57</p>

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<div>1 <b>inappropriately in saying that she wanted to take over</b></div> <div>2 <b>the case and do it herself?</b></div> <div>3 MR. HILL: I think that misstates the</div> <div>4 testimony.</div> <div>5 BY MR. BROWN: 11:16:14</div> <div>6 <b>Q. I'm asking.</b></div> <div>7 A. I don't know what her reasons were.</div> <div>8 <b>Q. Did you ever talk to Mr. Palmer about</b></div> <div>9 <b>Ms. Dorsey's attitude in terms of working with him?</b></div> <div>10 A. I did. 11:16:25</div> <div>11 <b>Q. And what was his response?</b></div> <div>12 A. That he didn't like working with her. That she</div> <div>13 was dismissive. That she wouldn't communicate with him</div> <div>14 about the case. That -- which she had told me -- I</div> <div>15 don't remember what it was specifically -- was untrue. 11:16:39</div> <div>16 Something to do with going out to get a</div> <div>17 computer on side, and something where she said she did</div> <div>18 something and he said he did something else. But there</div> <div>19 was some disagreement, and my purpose was to have them</div> <div>20 work together, and they didn't want to work together. 11:16:56</div> <div>21 <b>Q. Did you believe that Ms. Dorsey was at fault</b></div> <div>22 <b>for not wanting to work with Mr. Palmer?</b></div> <div>23 A. I didn't put her at fault.</div> <div>24 <b>Q. Did you believe Ms. Dorsey somehow committed</b></div> <div>25 <b>misconduct in deciding that she didn't want to work</b> 11:17:11</div> <div>Page 58</div>	<div>1 <b>Q. Okay.</b></div> <div>2 A. With a "W."</div> <div>3 <b>Q. Got it. Thank you, sir.</b></div> <div>4 THE REPORTER: Counsel.</div> <div>5 MR. BROWN: Yes.</div> <div>6 THE REPORTER: Your mike.</div> <div>7 MR. BROWN: Oh, I'm sorry. Oh, it fell off.</div> <div>8 Thank you. Here we go. Got it.</div> <div>9 BY MR. BROWN:</div> <div>10 <b>Q. Are there any other instances where you</b> 11:18:34</div> <div>11 <b>observed that Ms. Dorsey expressed that she had a</b></div> <div>12 <b>negative attitude towards Mr. Palmer?</b></div> <div>13 A. I don't -- I don't recall at this moment.</div> <div>14 <b>Q. Had you ever observed a situation where</b></div> <div>15 <b>Ms. Dorsey expressed a negative attitude towards</b> 11:18:54</div> <div>16 <b>Ms. Kress?</b></div> <div>17 A. I can't remember that specifically.</div> <div>18 <b>Q. Have you ever observed a situation where</b></div> <div>19 <b>Ms. Dorsey expressed a negative attitude towards</b></div> <div>20 <b>Ms. McGuire?</b> 11:19:06</div> <div>21 A. I do recall -- sort of recall a comment that</div> <div>22 she made that she didn't know what she did. Meaning,</div> <div>23 what type of work she was doing.</div> <div>24 <b>Q. Do you remember the context in which that</b></div> <div>25 <b>remark by Ms. Dorsey was made?</b> 11:19:24</div> <div>Page 60</div>
<div>1 <b>with Mr. Palmer?</b></div> <div>2 A. No.</div> <div>3 <b>Q. Did you draw any negative conclusion about</b></div> <div>4 <b>Ms. Dorsey as a result of her expressing to you that</b></div> <div>5 <b>she didn't want to work with Mr. Palmer?</b> 11:17:24</div> <div>6 A. No.</div> <div>7 <b>Q. Was there any other situation where you</b></div> <div>8 <b>observed that, to your mind, that Ms. Dorsey treated</b></div> <div>9 <b>Mr. Palmer in a negative or dismissive way?</b></div> <div>10 A. She wouldn't look his way. She wouldn't talk 11:17:37</div> <div>11 to him when they're both working on this matter. My</div> <div>12 general assessment was that she didn't want to have</div> <div>13 anything to do with him for whatever reason.</div> <div>14 <b>Q. Okay.</b></div> <div>15 <b>And as a supervisor, you understand that</b> 11:17:53</div> <div>16 <b>sometimes members of the same unit don't particularly</b></div> <div>17 <b>care for each other?</b></div> <div>18 A. Absolutely.</div> <div>19 <b>Q. And there's nothing wrong with that?</b></div> <div>20 A. Absolutely. 11:18:02</div> <div>21 <b>Q. And in terms of Ms. Dorsey taking that case</b></div> <div>22 <b>over, did she complete the case?</b></div> <div>23 A. Not to the full extent of the case.</div> <div>24 <b>Q. Do you remember the name of that case?</b></div> <div>25 A. Anthony Wright. 11:18:16</div> <div>Page 59</div>	<div>1 A. It was in sort of assigning a case, and I don't</div> <div>2 remember what case or what incident, but it was like,</div> <div>3 "I don't have anyone else to do this. I need you to do</div> <div>4 this." 11:19:38</div> <div>5 I was looking at Ms. Dorsey as -- as a lead</div> <div>6 again. As a senior -- with, you know, like, this is a</div> <div>7 person that I think I could assign this important</div> <div>8 matter to.</div> <div>9 <b>Q. And did you assign that matter to her?</b></div> <div>10 A. I think it was the Anthony Wright matter, if I 11:19:50</div> <div>11 can recall.</div> <div>12 <b>Q. All right.</b></div> <div>13 <b>And was Ms. McGuire a senior investigator?</b></div> <div>14 A. She was.</div> <div>15 <b>Q. Is that to say that her duties were the exact</b> 11:19:59</div> <div>16 <b>same duties as Ms. Dorsey?</b></div> <div>17 A. No.</div> <div>18 <b>Q. Okay.</b></div> <div>19 <b>And how did they differ?</b></div> <div>20 A. So different employees were paid by different 11:20:09</div> <div>21 accounting. So Ms. McGuire -- a part of her was paid</div> <div>22 by general fund as Ms. Dorsey was, but she was also</div> <div>23 paid by bond funding, which is to say matters --</div> <div>24 programs that are assigned bond funding.</div> <div>25 And so she worked a lot more facilities due 11:20:30</div> <div>Page 61</div>

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<p>1 diligence, we call them as there are some others in the 2 office.</p> <p>3 <b>Q. Got it.</b></p> <p>4 <b>And Ms. Dorsey, a senior investigator, worked</b> 5 <b>on matters involving, for example, potential fraud,</b> 11:20:49 6 <b>waste, or malfeasance?</b></p> <p>7 A. Yeah, and others.</p> <p>8 <b>Q. Got it.</b></p> <p>9 <b>And so, for example, in performing her duties,</b> 10 <b>Ms. Dorsey would sometimes go out into the field and do</b> 11:21:02 11 <b>interviews?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. Is that -- and given the fact that Ms. McGuire</b> 14 <b>would do facilities and due diligence investigations,</b> 15 <b>did that require her to go out to the field?</b> 11:21:16</p> <p>16 A. Not on the facility due diligence, but it did 17 on -- on the matter she was assigned to.</p> <p>18 <b>Q. But she was -- Ms. McGuire was assigned</b> 19 <b>predominantly facility and due diligence</b> 20 <b>investigations?</b> 11:21:29</p> <p>21 A. Before I got there, yes.</p> <p>22 <b>Q. And so the instance in which you believed that</b> 23 <b>Ms. Dorsey expressed a negative attitude towards</b> 24 <b>Ms. McGuire, was a situation where Ms. Dorsey at --</b> 25 <b>told you she did not know what Ms. McGuire did; is that</b> 11:21:46</p> <p style="text-align: right;">Page 62</p>	<p>1 Definitely not respectful of me or my position. And I 2 said, "Okay."</p> <p>3 <b>Q. Okay.</b></p> <p>4 <b>So after she did that, you left?</b></p> <p>5 A. I'm not sure if I had to get -- I think I had 11:23:14 6 to get her to sign it. I asked her to sign it.. and 7 then maybe took it back and then made a copy. And I'm 8 not sure if I gave it to her or the secretary gave it 9 to her.</p> <p>10 <b>Q. Okay.</b> 11:23:30</p> <p>11 <b>So you asked Ms. Dorsey, your subordinate, to</b> 12 <b>sign it?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And she did?</b></p> <p>15 A. I'm not sure if it was right there or 11:23:34 16 afterwards; but yes, at some point she did, obviously.</p> <p>17 <b>Q. Okay.</b></p> <p>18 A. By signature.</p> <p>19 <b>Q. To the extent that your subordinate was</b> 20 <b>disrespectful to you, were you embarrassed by her</b> 11:23:42 21 <b>disrespect?</b></p> <p>22 A. I -- I don't know if there was anyone around 23 that would have caused me some embarrassment. I don't 24 remember that specifically.</p> <p>25 <b>Q. Were you -- oh, I'm sorry. I apologize. I</b> 11:23:55</p> <p style="text-align: right;">Page 64</p>
<p>1 <b>correct?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. Any other situation that you can think of?</b></p> <p>4 A. Not specifically.</p> <p>5 <b>Q. After you prepared Exhibit 101, did you give</b> 11:21:56 6 <b>this to Ms. Dorsey?</b></p> <p>7 A. After Ms. -- after Mr. Bramlett signed it.</p> <p>8 <b>Q. Yes.</b></p> <p>9 A. I did go try to give it to Ms. Dorsey.</p> <p>10 <b>Q. You said you tried to give it to her.</b> 11:22:12 11 <b>What do you mean?</b></p> <p>12 A. Well, I tried to get her attention. I remember 13 she was dismissive of me because she was on a phone 14 call. I tried to wave off-site so that, you know, I'm 15 not in her face or around her desk and waiting for her. 11:22:23 16 And when I saw that she was no longer on the phone, 17 because it was in general view, I went over.</p> <p>18 And she simply looked at it. And there was no 19 place to sit in the desk she was sitting at the time; 20 so I just kind of stood there. And she just threw it 11:22:39 21 to the side. And, you know, sort of embarrassing to 22 me, as someone that I felt as a supervisor I was trying 23 to talk to her about it, and she just threw it to the 24 side.</p> <p>25 Didn't say a word. Again, very dismissive. 11:22:56</p> <p style="text-align: right;">Page 63</p>	<p>1 <b>broke -- I broke my own rule. Please.</b></p> <p>2 A. I think I'm done.</p> <p>3 <b>Q. Okay.</b></p> <p>4 <b>And did it upset you that -- that she was</b> 5 <b>dismissive of you?</b> 11:24:03</p> <p>6 A. Not particularly because I -- I -- I sensed 7 that she maybe got angry at the fact that this was a 8 below standard, but maybe -- I think I -- I went and 9 got self-educated at that point.</p> <p>10 Like, why would that, like, get her mad? I 11:24:21 11 didn't understand the full scope of maybe this 12 performance, because I've done plenty of performance 13 appraisals before. And just because you get marked low 14 on one, doesn't mean you did wrong if your work is up 15 to par, as you stated before. 11:24:38</p> <p>16 It gives us an opportunity to say, "Hey, you 17 need to work with others. You need -- you need to get 18 along with others." That was going to be my 19 conversation, but that never occurred.</p> <p>20 <b>Q. And so then just I want to understand you.</b> 11:24:50 21 <b>She looked at the performance exam -- at the</b> 22 <b>performance evaluation, and then she threw it aside;</b> 23 <b>correct?</b></p> <p>24 A. Literally threw it to the side.</p> <p>25 <b>Q. Did she say anything to you that was</b> 11:24:59</p> <p style="text-align: right;">Page 65</p>

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<p>1     <b>disrespectful?</b></p> <p>2     A.   No.</p> <p>3     <b>Q. Did you know the nature of the phone call that</b></p> <p>4     <b>she was having while you were waiting for her to speak</b></p> <p>5     <b>with her?</b> 11:25:11</p> <p>6     A.   No.</p> <p>7     <b>Q. So to the extent that your subordinate treated</b></p> <p>8     <b>you in a way that you felt was dismissive, did you</b></p> <p>9     <b>write her up?</b></p> <p>10    A.   I did not. 11:25:21</p> <p>11    <b>Q. Did you counsel her?</b></p> <p>12    A.   No.</p> <p>13    <b>Q. Did you try to wait maybe a period of time to</b></p> <p>14    <b>revisit the issue of the performance evaluation? Maybe</b></p> <p>15    <b>when she cooled down in order to give her the</b> 11:25:31</p> <p>16    <b>constructive feedback that you thought would be</b></p> <p>17    <b>necessary for her to improve her performance in that</b></p> <p>18    <b>area?</b></p> <p>19    A.   I did not. Shortly -- a couple of months</p> <p>20    thereafter, she got a new supervisor. And I felt, you 11:25:42</p> <p>21    know, maybe we'll start new from here. And if I</p> <p>22    remember correctly, at the time the new supervisor that</p> <p>23    got assigned was Jorge Urquijo. And she was getting</p> <p>24    along great with Jorge.</p> <p>25    She would go to coffee with him once or twice a 11:26:00</p> <p style="text-align: right;">Page 66</p>	<p>1     words. So I didn't think there was anything, like,</p> <p>2     grossly wrong going on.</p> <p>3     And I didn't realize that she had actually got</p> <p>4     mad about that, because she was so dismissive, that I</p> <p>5     never had an opportunity to talk to her about that. 11:27:37</p> <p>6     Had she told me, maybe I would have had a conversation.</p> <p>7     <b>Q. Okay. But in terms of her looking at the</b></p> <p>8     <b>performance evaluation and throwing it aside, do you</b></p> <p>9     <b>know if maybe she was going through something or had</b></p> <p>10    <b>some other issue?</b> 11:27:52</p> <p>11    A.   I didn't put a lot of stock into just even the</p> <p>12    fact that she threw it to the side, other than being</p> <p>13    dismissive, because she didn't say anything to me. So,</p> <p>14    to me, everybody signed theirs. There was one other</p> <p>15    person that had an issue with my performance appraisal 11:28:09</p> <p>16    at the time, and I dealt with that in a different way.</p> <p>17    And so she never brought that issue to even my</p> <p>18    knowledge.</p> <p>19    <b>Q. To the extent that you believe that Ms. Dorsey</b></p> <p>20    <b>was below standards in terms of relations with others,</b> 11:28:25</p> <p>21    <b>did you ever send her an e-mail or any written</b></p> <p>22    <b>communication to express to her how you believe that</b></p> <p>23    <b>she can improve?</b></p> <p>24    A.   So based on my -- on my prior experience, I</p> <p>25    knew some of the ways to handle that would be to have 11:28:39</p> <p style="text-align: right;">Page 68</p>
<p>1     day. And I thought okay. Well, maybe -- you know,</p> <p>2     maybe it's me, you know. Maybe it's just, you know,</p> <p>3     clashing, you know.</p> <p>4     And so I tried -- I tried a few different</p> <p>5     things to answer your question. I tried putting her as 11:26:11</p> <p>6     a lead, and -- to see how that would work.</p> <p>7     <b>Q. Jorge Urquijo became her supervisor in December</b></p> <p>8     <b>of 2014; is that correct?</b></p> <p>9     A.   Yes.</p> <p>10    <b>Q. So between August of 2014 and December of 2014,</b> 11:26:25</p> <p>11    <b>when Mr. Urquijo became her supervisor, did you ever</b></p> <p>12    <b>attempt to revisit the issue of her below standard</b></p> <p>13    <b>rating in terms of relations with others?</b></p> <p>14    A.   To be perfectly honest, I did not because I had</p> <p>15    a lot more -- bigger things to deal with at the 11:26:48</p> <p>16    District, including a lot of cases.</p> <p>17    <b>Q. And when you mentioned that you thought that</b></p> <p>18    <b>well, maybe Ms. Dorsey had an issue with you, are there</b></p> <p>19    <b>some type of personality issue?</b></p> <p>20    Did you ever come to her and try to ask her 11:27:04</p> <p>21    just that? If maybe you and her had gotten off on the</p> <p>22    wrong foot or if you had done anything to offend her?</p> <p>23    A.   I mean, I would regularly say "Hello," and I --</p> <p>24    and I felt that there was never really a period where,</p> <p>25    you know, we never had any arguments. We never had any 11:27:22</p> <p style="text-align: right;">Page 67</p>	<p>1     meetings together where I would talk about</p> <p>2     expectations. And expectation was to work with one</p> <p>3     another.</p> <p>4     You know, we're a small group of people. Four</p> <p>5     or five. I think Mike Atkinson retired -- 11:28:52</p> <p>6     MR. HILL: Answer his question. He said did</p> <p>7     you send her any e-mails?</p> <p>8     THE WITNESS: I did not send her any e-mails,</p> <p>9     but I took -- I felt I took care of it in other ways.</p> <p>10    BY MR. BROWN: 11:29:04</p> <p>11    <b>Q. And based on that interaction, did you conclude</b></p> <p>12    <b>that Ms. Dorsey was a dismissive person?</b></p> <p>13    A.   Very.</p> <p>14    <b>Q. It would be accurate to say that it colored how</b></p> <p>15    <b>you dealt with Ms. Dorsey after that?</b> 11:29:32</p> <p>16    A.   Actually, I didn't have a lot of dealings with</p> <p>17    Ms. Dorsey after that.</p> <p>18    <b>Q. Even -- even during the period of time where --</b></p> <p>19    <b>between August and December when you were still her</b></p> <p>20    <b>direct supervisor?</b> 11:29:47</p> <p>21    A.   Correct.</p> <p>22    <b>Q. Did you go out of your way to avoid dealing</b></p> <p>23    <b>with Ms. Dorsey after August of 2014 when she acted, as</b></p> <p>24    <b>you were saying, dismissive?</b></p> <p>25    A.   No. I had other matters to attend to. 11:29:55</p> <p style="text-align: right;">Page 69</p>

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**Frank Cabibi**  
**April 2, 2018**

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<p>1       <b>Q. And at that time, as of August of 2014,</b></p> <p>2       <b>Ms. Dorsey was one of only three senior investigators;</b></p> <p>3       <b>correct? I'm sorry. One of four?</b></p> <p>4       A. Which time period?</p> <p>5       <b>Q. Thereabouts of -- between August of 2014 and</b> 11:30:16</p> <p>6       <b>December of 2014?</b></p> <p>7       A. Yes. Three.</p> <p>8       <b>Q. And as a senior investigator, she would be one</b></p> <p>9       <b>of the people who would deal with some of the more</b></p> <p>10       <b>complex investigations; correct?</b> 11:30:38</p> <p>11       A. One of them, yes.</p> <p>12       <b>Q. One of them, correct.</b></p> <p>13       And it will be accurate to say that given the</p> <p>14       fact that Ms. Dorsey was one of three investigators who</p> <p>15       dealt with the more complex matters, you would have</p> <p>16       wanted to have a positive professional relationship</p> <p>17       with her; is that correct? 11:30:50</p> <p>18       A. Absolutely.</p> <p>19       <b>Q. Did you tell Mr. Bramlett about your</b></p> <p>20       <b>interaction with Ms. Dorsey where you believe that she</b> 11:31:08</p> <p>21       <b>was dismissive when you tried to give her her</b></p> <p>22       <b>performance evaluation?</b></p> <p>23       A. I don't remember.</p> <p>24       <b>Q. And regarding these other people who you say</b></p> <p>25       <b>had commented about Ms. Dorsey's negative attitude, did</b> 11:31:31</p> <p style="text-align: right;">Page 70</p>	<p>1       <b>Q. And that would include listening to</b></p> <p>2       <b>Ms. Dorsey's coworkers in terms of their assessment of</b></p> <p>3       <b>her?</b></p> <p>4       A. On that particular matter that we're speaking</p> <p>5       of, yes. 11:33:06</p> <p>6       <b>Q. Yes.</b></p> <p>7       And that would also include hearing</p> <p>8       <b>Ms. Dorsey's side of the -- of the situation; is that</b></p> <p>9       <b>right?</b></p> <p>10       A. Sure. 11:33:15</p> <p>11       <b>Q. And you never learned Ms. Dorsey's side; is</b></p> <p>12       <b>that right?</b></p> <p>13       A. No.</p> <p>14       <b>Q. Well, I'll ask it another way because I used a</b></p> <p>15       <b>negative.</b> 11:33:19</p> <p>16       Did you ever learn Ms. Dorsey's side as it</p> <p>17       related to any coworkers complaining that she had a</p> <p>18       negative attitude?</p> <p>19       A. I never revisited that particular matter</p> <p>20       because to me that was not a -- a matter that I thought</p> <p>21       was so grave that I needed to revisit that. I fe -- I</p> <p>22       felt "Let's see what happens this coming year," and I</p> <p>23       never had an issue with it.</p> <p>24       MR. BROWN: Can I ask the question be read</p> <p>25       back, please? 11:33:50</p> <p style="text-align: right;">Page 72</p>
<p>1       you ever tell Ms. Dorsey that her coworkers or some of</p> <p>2       her coworkers had problems with her attitude?</p> <p>3       A. Not directly.</p> <p>4       <b>Q. Did you do it indirectly?</b></p> <p>5       A. Through office meetings. 11:32:03</p> <p>6       <b>Q. And when you say you did it indirectly through</b></p> <p>7       <b>office meetings, is that to say that you conveyed to</b></p> <p>8       <b>Ms. Dorsey specifically that her coworkers had a</b></p> <p>9       <b>problem with her attitude?</b></p> <p>10       A. No. 11:32:12</p> <p>11       <b>Q. Then I'll ask it in a different way.</b></p> <p>12       Did you ever express to Ms. Dorsey directly</p> <p>13       that some of her coworkers had a problem with her</p> <p>14       attitude?</p> <p>15       A. I think it would be inappropriate; so the</p> <p>16       answer to that is no. 11:32:27</p> <p>17       <b>Q. And why do you believe that would be</b></p> <p>18       <b>inappropriate?</b></p> <p>19       A. Because I -- I felt that as a manager I need to</p> <p>20       -- I needed to listen to people, but then make my own</p> <p>21       assessment. 11:32:42</p> <p>22       <b>Q. And in making your own assessment, you wanted</b></p> <p>23       <b>to make sure you had enough information to make an</b></p> <p>24       <b>informed assessment?</b></p> <p>25       A. Yes. 11:32:55</p> <p style="text-align: right;">Page 71</p>	<p>1       (The record was read.)</p> <p>2       MR. HILL: It sounds like there's a word</p> <p>3       missing.</p> <p>4       MR. BROWN: Yeah, it does.</p> <p>5       BY MR. BROWN: 11:34:16</p> <p>6       <b>Q. How about -- how about I ask it again, okay,</b></p> <p>7       <b>just because I'm not sure your last answer was directly</b></p> <p>8       <b>responsive to my question.</b></p> <p>9       Did you ever find out from Ms. Dorsey her side</p> <p>10       of the situation regarding her co-workers hav- -- 11:34:33</p> <p>11       having a negative attitude towards her?</p> <p>12       A. No.</p> <p>13       MR. HILL: I don't think -- that misstates the</p> <p>14       testimony.</p> <p>15       BY MR. BROWN: 11:34:44</p> <p>16       <b>Q. You can answer.</b></p> <p>17       MR. HILL: You can answer if you can.</p> <p>18       THE WITNESS: I don't -- I -- I think the</p> <p>19       answer is no.</p> <p>20       BY MR. BROWN: 11:34:52</p> <p>21       <b>Q. Okay. Thank you.</b></p> <p>22       I'm going to show you what I'm going to mark as</p> <p>23       -- we're done with that one.</p> <p>24       A. Okay.</p> <p>25       <b>Q. I'm going to show you what I'm going to mark</b> 11:35:07</p> <p style="text-align: right;">Page 73</p>

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<p>1 <b>as...</b></p> <p>2 MR. HILL: You want these back, Counsel?</p> <p>3 MR. BROWN: Actually, yeah. We'll take these</p> <p>4 for now. Thank you.</p> <p>5 I'm going to mark as Exhibit 102. 11:35:17</p> <p>6 (Plaintiff's Exhibit 102 was marked</p> <p>7 for identification.)</p> <p>8 BY MR. BROWN:</p> <p>9 <b>Q. Okay. Here you go. Okay. So just -- you</b></p> <p>10 <b>don't have to read it all -- word for word. Once</b> 11:35:57</p> <p>11 <b>you've had a chance to briefly review it, I'm just</b></p> <p>12 <b>going to ask you a couple of questions about it. You</b></p> <p>13 <b>let know me know when you're ready.</b></p> <p>14 A. Go ahead and ask.</p> <p>15 <b>Q. Okay. Very good.</b> 11:36:07</p> <p>16 <b>This is Exhibit 102. Is a, "Los Angeles</b></p> <p>17 <b>Unified School District Personnel Commission Laws and</b></p> <p>18 <b>Rules 702."</b></p> <p>19 <b>Did I read that correctly?</b></p> <p>20 A. Yes. 11:36:19</p> <p>21 <b>Q. And it says, "702 Performance Evaluation pro-</b></p> <p>22 <b>-- Probationary and Permanent Classified Employees."</b></p> <p>23 <b>Did I read that correctly?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. All right.</b> 11:36:30</p> <p style="text-align: right;">Page 74</p>	<p>1 <b>evaluations for the investigators?</b></p> <p>2 A. My answer is I'm not sure if they were annual.</p> <p>3 The answer is yes, but I'm not sure if they were</p> <p>4 annual.</p> <p>5 <b>Q. Were they supposed to be annual?</b> 11:37:55</p> <p>6 A. I'm not sure.</p> <p>7 <b>Q. Did you have a requirement that Mr. Urquijo</b></p> <p>8 <b>perform annual performance evaluations?</b></p> <p>9 A. That they would -- performance evaluations. I</p> <p>10 know it changed at some point or -- I'm not sure if, 11:38:10</p> <p>11 you know, what the change was specifically. I know in</p> <p>12 conducting investigations, some had performance</p> <p>13 appraisals, and others didn't in the District.</p> <p>14 <b>Q. Do you know why that was?</b></p> <p>15 A. I don't. 11:38:23</p> <p>16 <b>Q. Well, in terms of what you wanted from</b></p> <p>17 <b>Mr. Urquijo, did you want Mr. Urquijo to give each of</b></p> <p>18 <b>the investigators annual performance evaluations?</b></p> <p>19 A. The -- the short answer is yes.</p> <p>20 <b>Q. Why?</b> 11:38:40</p> <p>21 A. To evaluate the employee's performance.</p> <p>22 <b>Q. And to give them feedback when necessary?</b></p> <p>23 A. Sure.</p> <p>24 <b>Q. So that they can be the best employees that</b></p> <p>25 <b>they can be on behalf of the District?</b> 11:38:53</p> <p style="text-align: right;">Page 76</p>
<p>1 <b>And are you familiar with 702?</b></p> <p>2 A. I'm not.</p> <p>3 <b>Q. Have you ever seen 702 before?</b></p> <p>4 A. I'm not sure if I ever read this before.</p> <p>5 <b>Q. Okay.</b> 11:36:39</p> <p>6 <b>When you were the Deputy Inspector General at</b></p> <p>7 <b>the -- when you were the Deputy Inspector General, were</b></p> <p>8 <b>the employees given performance evaluations annually?</b></p> <p>9 A. At the District?</p> <p>10 <b>Q. Yes.</b> 11:36:57</p> <p>11 A. I'm not sure how to answer that because I'm not</p> <p>12 sure what other people did.</p> <p>13 <b>Q. In the O.I.G.'s office, when Mr. Urquijo was a</b></p> <p>14 <b>supervising investigator, was he supposed to do annual</b></p> <p>15 <b>performance evaluations of the investigators?</b> 11:37:19</p> <p>16 A. There was -- you know, when I first got on</p> <p>17 there, I'm not sure what the rule was.</p> <p>18 MR. HILL: Answer his question about when Jorge</p> <p>19 was the supervisor.</p> <p>20 THE WITNESS: Okay. 11:37:31</p> <p>21 BY MR. BROWN:</p> <p>22 <b>Q. I'm asking when Jorge Urquijo --</b></p> <p>23 A. Okay.</p> <p>24 <b>Q. -- was the supervising investigator.</b></p> <p>25 <b>Did his duties include doing annual performance</b> 11:37:38</p> <p style="text-align: right;">Page 75</p>	<p>1 A. I'm not sure I would say it that way.</p> <p>2 <b>Q. How would you say --</b></p> <p>3 A. But I -- I think, aside from that, it would be</p> <p>4 to do -- continual performance appraisal by having</p> <p>5 regular meetings with them and reviewing their work 11:39:05</p> <p>6 product, not just to do it once a year.</p> <p>7 <b>Q. Understood. We're done with that. Thank you.</b></p> <p>8 <b>Do you know if Ms. Dorsey received a</b></p> <p>9 <b>performance evaluation for the year 2015?</b></p> <p>10 A. I don't. 11:39:27</p> <p>11 <b>Q. A better person to ask would be Mr. Urquijo?</b></p> <p>12 MR. HILL: Speculation.</p> <p>13 BY MR. BROWN:</p> <p>14 <b>Q. Well, Mr. Urquijo was her direct supervisor?</b></p> <p>15 A. Yes. 11:39:41</p> <p>16 <b>Q. So based on your knowledge that Mr. Urquijo was</b></p> <p>17 <b>Ms. Dorsey's direct supervisor, you believed that he</b></p> <p>18 <b>would be the correct person to ask with respect to</b></p> <p>19 <b>Ms. Dorsey's performance evaluation or lack thereof in</b></p> <p>20 <b>2015?</b> 11:39:55</p> <p>21 A. Sure.</p> <p>22 <b>Q. In -- in January -- on or about January 7th of</b></p> <p>23 <b>2016, you sent Ms. Dorsey home; is that correct?</b></p> <p>24 A. What date again?</p> <p>25 <b>Q. January 7th of 2016?</b> 11:40:40</p> <p style="text-align: right;">Page 77</p>

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<p>1 A. Yes.</p> <p>2 <b>Q. Why?</b></p> <p>3 A. It was based on a matter which we felt we need</p> <p>4 to -- we needed further investigate. And -- and it</p> <p>5 concerned three case files that we were in search of 11:41:04</p> <p>6 and we had seen. And when I say "we," Mr. Urquijo and</p> <p>7 I had seen the day before or two days before. I'm not</p> <p>8 sure exactly if it was one day or two days before.</p> <p>9 And when we went to look for them -- so we'd</p> <p>10 seen them on, let's say -- just (Unintelligible.) 11:41:29</p> <p>11 Let's say we saw it on the 5th.</p> <p>12 <b>Q. Uh-huh.</b></p> <p>13 A. On the 6th we went to look for them again, or</p> <p>14 on the 7th we went to look for them again. I'm not</p> <p>15 sure what day it was. They were not there anymore. 11:41:43</p> <p>16 <b>Q. Uh-huh.</b></p> <p>17 A. The next occasion Ms. Dorsey came in, we asked</p> <p>18 her about -- or I asked her at her desk, and she said</p> <p>19 she didn't know where they were. Again, being very</p> <p>20 dismissive. 11:42:01</p> <p>21 So I asked her if she can come and have a</p> <p>22 meeting with me in my office. We discussed it. I gave</p> <p>23 her several opportunities to -- to tell me where those</p> <p>24 case files were. And upon getting an answer that she</p> <p>25 -- she had either given them back to Mr. Urquijo or she 11:42:16</p> <p style="text-align: right;">Page 78</p>	<p>1 work is complete. As a matter of fact, your work</p> <p>2 hasn't even started yet if that case gets prosecuted.</p> <p>3 But people would close cases. I don't remember</p> <p>4 specifically if those were closed in the system or not. 11:43:49</p> <p>5 <b>Q. Okay.</b></p> <p>6 MR. BROWN: Why don't we go off record so he</p> <p>7 can change the tape.</p> <p>8 THE WITNESS: Sure.</p> <p>9 THE VIDEOGRAPHER: Okay. Now, we are going off</p> <p>10 camera. The time is 11:43 A.M. 11:43:55</p> <p>11 (Off the record.)</p> <p>12 THE VIDEOGRAPHER: All right. We are now back</p> <p>13 on camera. The time is 12:03 P.M.</p> <p>14 BY MR. BROWN:</p> <p>15 <b>Q. Okay. Mr. Cabibi, at the time we took the</b> 12:04:08</p> <p>16 <b>break, we were talking about the situation with the</b></p> <p>17 <b>three case files.</b></p> <p>18 <b>Do you recall that?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. All right.</b> 12:04:16</p> <p>21 <b>I'm telling you that to orient you, but before</b></p> <p>22 <b>I go any further with that, I want to just revisit one</b></p> <p>23 <b>issue.</b></p> <p>24 <b>At the time that you prepared Exhibit 101, that</b></p> <p>25 <b>being the performance evaluation of Cheryl Dorsey, were</b> 12:04:27</p> <p style="text-align: right;">Page 80</p>
<p>1 didn't know where they were, I made a decision that,</p> <p>2 you know, she would be sent home with pay and -- until</p> <p>3 an investigation -- administrative investigation be</p> <p>4 done and then further evaluation be conducted. 11:42:34</p> <p>5 <b>Q. Okay.</b></p> <p>6 <b>Also, let me ask you a few questions about</b></p> <p>7 <b>that.</b></p> <p>8 A. Sure.</p> <p>9 <b>Q. Do you recall the names of those three cases?</b></p> <p>10 A. I remember one of them was the Anthony Wright 11:42:43</p> <p>11 case.</p> <p>12 <b>Q. And was the other one the Debra Coaloa case?</b></p> <p>13 A. Coaloa -- Debra Coaloa. And that I do remember</p> <p>14 specifically.</p> <p>15 <b>Q. And was the other one Mylene Garcia?</b> 11:42:57</p> <p>16 A. It was.</p> <p>17 <b>Q. And as of January 7th of 2016, were any of</b></p> <p>18 <b>those closed cases?</b></p> <p>19 A. I'm not sure. So there's a very -- varying</p> <p>20 degree of closed cases. There was people closing cases 11:43:13</p> <p>21 improperly, I felt. Like, case in point, the Anthony</p> <p>22 Wright case at one point got closed, and I felt that</p> <p>23 that's not the way cases needed to be closed.</p> <p>24 If just because you sent the report over to the</p> <p>25 D.A.'s office for an evaluation, doesn't mean that your 11:43:34</p> <p style="text-align: right;">Page 79</p>	<p>1 <b>you aware of any L.A.U.S.D. rule, policy, or regulation</b></p> <p>2 <b>that to the extent that you as a supervisor marked her</b></p> <p>3 <b>below standards in any area that you needed to sit with</b></p> <p>4 <b>her and explain the reasons why you gave her such</b> 12:04:54</p> <p>5 <b>rating?</b></p> <p>6 A. I don't believe so.</p> <p>7 <b>Q. All right.</b></p> <p>8 <b>Now, before we finish up with the three missing</b></p> <p>9 <b>case files, as you're claiming, I want to ask you a few</b> 12:05:15</p> <p>10 <b>questions about the cases.</b></p> <p>11 <b>So in -- in the year of 2015 -- well, during</b></p> <p>12 <b>the time that you were the Inspector General, who</b></p> <p>13 <b>assigned the cases to the investigators?</b></p> <p>14 MR. HILL: Misstates the testimony. Assumes</p> <p>15 facts. You mean Deputy Inspector General? 12:05:30</p> <p>16 MR. BROWN: Thank you, sir. I appreciate that.</p> <p>17 BY MR. BROWN:</p> <p>18 <b>Q. At the time that you were the Deputy Inspector</b></p> <p>19 <b>General, who assigned the cases to the investigators?</b></p> <p>20 A. So prior to 2016? 12:05:45</p> <p>21 <b>Q. Yes.</b></p> <p>22 A. At one point I did. And then at some point in</p> <p>23 January -- I want to say of 2015 -- I believe</p> <p>24 Mr. Urquijo did for the most part, except some cases</p> <p>25 that we needed to collaborate on. 12:06:03</p> <p style="text-align: right;">Page 81</p>

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<p>1       <b>Q. So would it be accurate to say that as of</b></p> <p>2       <b>January of 2015 until June of 2016, Mr. Urquijo would</b></p> <p>3       <b>be -- as a supervising investigator would assign the</b></p> <p>4       <b>cases to the investigator?</b></p> <p>5       A. Can you ask that again, please? 12:06:23</p> <p>6       <b>Q. Certainly.</b></p> <p>7       <b>Between January of 2015 and June of 2016, would</b></p> <p>8       <b>Mr. Urquijo be the person who assigned the cases to the</b></p> <p>9       <b>investigators?</b></p> <p>10      A. At times. 12:06:39</p> <p>11      <b>Q. And at times you would?</b></p> <p>12      A. Together with Mr. Urquijo.</p> <p>13      <b>Q. Okay.</b></p> <p>14      <b>So between January of 2015 and June of 2016,</b></p> <p>15      <b>either Mr. Urquijo or you and Mr. Urquijo would assign</b> 12:06:50</p> <p>16      <b>cases to the investigators?</b></p> <p>17      A. Correct.</p> <p>18      <b>Q. And what would determine whether or not you and</b></p> <p>19      <b>Mr. Urquijo would assign the cases to the investigators</b></p> <p>20      <b>as opposed to Mr. Urquijo doing the assignment himself?</b> 12:07:11</p> <p>21      A. So depending on the complexity of the</p> <p>22      investigation. Trying to figure out, you know, if the</p> <p>23      person that is being assigned to is something that he</p> <p>24      or she feels that they can properly do. Try to make an</p> <p>25      assessment by having a conversation. 12:07:35</p> <p style="text-align: right;">Page 82</p>	<p>1       A. It was the in-house. Well, it's a -- it's a</p> <p>2       database where the -- where the investigative</p> <p>3       information was housed.</p> <p>4       <b>Q. Is it a necessary part of performing the duties</b></p> <p>5       <b>of an investigator for O.I.G. as of 2015?</b> 12:09:06</p> <p>6       A. Sure.</p> <p>7       <b>Q. Did you know how to use Time Matters?</b></p> <p>8       A. I did.</p> <p>9       <b>Q. And the investigators during the time that you</b></p> <p>10      <b>were the Deputy Inspector General -- they were assigned</b> 12:09:25</p> <p>11      <b>laptop computers?</b></p> <p>12      A. Not all.</p> <p>13      <b>Q. Who was not?</b></p> <p>14      A. What time frame are you asking?</p> <p>15      <b>Q. Why don't we say the time 2015.</b> 12:09:42</p> <p>16      A. To the best of my recollection, on -- Nancy</p> <p>17      McGuire was not. Maria Kress was not. Connie De Los</p> <p>18      Santos was not.</p> <p>19      <b>Q. And regarding Ms. McGuire, why was Ms. McGuire</b></p> <p>20      <b>not assigned a laptop computer?</b> 12:10:10</p> <p>21      A. I don't know why.</p> <p>22      <b>Q. Is that your same answer for Ms. Kress?</b></p> <p>23      A. Yes.</p> <p>24      <b>Q. And your same -- would that be the same answer</b></p> <p>25      <b>for Ms. De Los Santos?</b> 12:10:20</p> <p style="text-align: right;">Page 84</p>
<p>1       <b>Q. A conversation with whom?</b></p> <p>2       A. Whomever we felt was appropriate to assign to.</p> <p>3       <b>Q. And that would be a -- that would be a</b></p> <p>4       <b>conversation between you, Mr. Urquijo, and whoever the</b></p> <p>5       <b>investigation -- investigator was?</b> 12:07:51</p> <p>6       A. At times.</p> <p>7       <b>Q. And regarding the process -- so then after the</b></p> <p>8       <b>case is assigned to an investigator, what are they</b></p> <p>9       <b>supposed to do with it, assuming it's not a due</b></p> <p>10      <b>diligence investigation?</b> 12:08:10</p> <p>11      A. Right. For the most part, depending again on</p> <p>12      the complexity investigation, create a plan of</p> <p>13      investigation in a written formal, and then verbally</p> <p>14      speak to the supervisor about it.</p> <p>15      <b>Q. And after the plan of investigation and</b> 12:08:27</p> <p>16      <b>verbally speaking with the supervisor, what is the next</b></p> <p>17      <b>thing the investigator is supposed to do?</b></p> <p>18      A. It depends on the investigation. Each one is</p> <p>19      different.</p> <p>20      <b>Q. You're supposed to start investigating; right?</b> 12:08:41</p> <p>21      A. Yes.</p> <p>22      <b>Q. And have you heard of a computer software</b></p> <p>23      <b>called Time Matters?</b></p> <p>24      A. Yes.</p> <p>25      <b>Q. What is that?</b> 12:08:52</p> <p style="text-align: right;">Page 83</p>	<p>1       A. Yes.</p> <p>2       <b>Q. Ms. Dorsey was assigned a laptop computer;</b></p> <p>3       <b>correct?</b></p> <p>4       A. She was.</p> <p>5       <b>Q. And what is the investigator supposed to do</b> 12:10:30</p> <p>6       <b>with respect to Time Matters in conducting their</b></p> <p>7       <b>investigation?</b></p> <p>8       A. Just by general rule, first and foremost, go</p> <p>9       into -- once a case is handed to them by whomever, go</p> <p>10      in and -- and look at the -- the actual allegations, 12:10:51</p> <p>11      the predicate information that caused the investigation</p> <p>12      to be opened.</p> <p>13      <b>Q. And is the investigator supposed to input the</b></p> <p>14      <b>investigative information into Time Matters?</b></p> <p>15      A. That's a complex question. Actually, I'm not 12:11:10</p> <p>16      sure I can answer that --</p> <p>17      <b>Q. Okay.</b></p> <p>18      A. -- yes or no.</p> <p>19      <b>Q. All right.</b></p> <p>20      <b>What is the investigator supposed to do with</b> 12:11:23</p> <p>21      <b>respect to Time Matters in terms of conducting the</b></p> <p>22      <b>information?</b></p> <p>23      A. Update Time Matters with uploading</p> <p>24      documentation produced during the investigation and</p> <p>25      provide a summary as to each document that's being 12:11:37</p> <p style="text-align: right;">Page 85</p>

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<p>1 uploaded.</p> <p>2 <b>Q. And what are the nature of the documents that</b></p> <p>3 <b>would be uploaded by the investigator based on your</b></p> <p>4 <b>experience with Time Matters?</b></p> <p>5 A. Notice of interview or notice of -- excuse me. 12:11:50</p> <p>6 Record of Interview or Record of Investigation,</p> <p>7 subpoenaed documents, evidence gained during the</p> <p>8 conduct of the investigation, documentary evidence, and</p> <p>9 uploading a summary of maybe actions taken.</p> <p>10 <b>Q. And all of this is supposed to go into Time</b> 12:12:16</p> <p>11 <b>Matters?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. And that would also include interview</b></p> <p>14 <b>statements?</b></p> <p>15 A. Sure. 12:12:36</p> <p>16 <b>Q. And so then after the investigator has</b></p> <p>17 <b>completed the investigation, would they prepare a</b></p> <p>18 <b>report?</b></p> <p>19 A. Well, each and every time they prepare -- so</p> <p>20 when you say, "Report," I'm not sure exactly what 12:12:57</p> <p>21 you're talking about.</p> <p>22 <b>Q. Okay.</b></p> <p>23 <b>Well, after the investigation is -- after the</b></p> <p>24 <b>investigator has completed the investigation, do they</b></p> <p>25 <b>prepare any type of document that goes up the chain?</b> 12:13:10</p> <p style="text-align: right;">Page 86</p>	<p>1 A. It's for -- mostly for those matters that have</p> <p>2 been substantiated. And, typically, a report that's</p> <p>3 forwarded to the -- either a prosecutor or the Board of</p> <p>4 Education or both. 12:14:26</p> <p>5 <b>Q. Okay.</b></p> <p>6 <b>And what is the Memo to Close Document?</b></p> <p>7 A. One that hasn't been substantiated or there's</p> <p>8 some issue with. The investigation maybe shouldn't</p> <p>9 have been opened, or something in that regard. 12:14:41</p> <p>10 <b>Q. Meaning, pretty much the case is over?</b></p> <p>11 A. Yeah.</p> <p>12 <b>Q. So let's take a look at the Report of</b></p> <p>13 <b>Investigation.</b></p> <p>14 <b>So then who does the Report of Investigation go</b></p> <p>15 <b>to after the investigator has completed it?</b> 12:14:51</p> <p>16 A. To the supervisor.</p> <p>17 <b>Q. And -- and -- so, for example, if Ms. Dorsey</b></p> <p>18 <b>were the investigator, when she prepares the Report of</b></p> <p>19 <b>Investigation, it would have gone to Jorge Urquijo in</b></p> <p>20 <b>the year of 2015?</b> 12:15:11</p> <p>21 A. Yes.</p> <p>22 <b>Q. And so then in submitting the Report of</b></p> <p>23 <b>Investigation to her direct supervisor would she also</b></p> <p>24 <b>give the hard copy of the file?</b></p> <p>25 A. Yes. 12:15:37</p> <p style="text-align: right;">Page 88</p>
<p>1 A. Yes. The Report of Investigation.</p> <p>2 <b>Q. And when a Report of Investigation --</b></p> <p>3 A. Excuse me. Or a case closure or A Memo to</p> <p>4 Close Document. 12:13:30</p> <p>5 <b>Q. So is the Report of Investigation, A Memo to</b></p> <p>6 <b>Close Document -- are those two separate documents that</b></p> <p>7 <b>are prepared by the investigator?</b></p> <p>8 A. I don't get your question.</p> <p>9 <b>Q. Certainly.</b></p> <p>10 <b>So you mentioned a Report of Investigation;</b> 12:13:43</p> <p>11 <b>correct?</b></p> <p>12 A. Correct.</p> <p>13 <b>Q. Then you also mentioned A Memo to Close</b></p> <p>14 <b>Document; correct?</b></p> <p>15 A. Yes. 12:13:49</p> <p>16 <b>Q. Are those one and the same?</b></p> <p>17 A. No.</p> <p>18 <b>Q. They're two separate documents?</b></p> <p>19 A. Used for two separate purposes.</p> <p>20 <b>Q. Okay.</b> 12:13:55</p> <p>21 <b>Which one is prepared first?</b></p> <p>22 A. They're used for two separate purposes</p> <p>23 independent of one another.</p> <p>24 <b>Q. Sounds good.</b></p> <p>25 <b>So what is the Report of Investigation for?</b> 12:14:03</p> <p style="text-align: right;">Page 87</p>	<p>1 <b>Q. So then once the supervising investigator --</b></p> <p>2 <b>let's say we're talking about the time frame of 2015.</b></p> <p>3 <b>Mr. Urquijo gets the Report of Investigation.</b></p> <p>4 <b>What does he do?</b></p> <p>5 MR. HILL: Vague. 12:15:56</p> <p>6 BY MR. BROWN:</p> <p>7 <b>Q. What does he do with the Report of</b></p> <p>8 <b>Investigation? And I'm talking about the process by</b></p> <p>9 <b>which cases are from the assignment to submission to</b></p> <p>10 <b>the District Attorney's office, to give you some</b> 12:16:05</p> <p>11 <b>context.</b></p> <p>12 A. So the Report of Investigation would be,</p> <p>13 actually, from me to the Board or from Mr. Bramlett to</p> <p>14 the Board. At different times that had changed. So,</p> <p>15 typically, it will come to me for signature. 12:16:22</p> <p>16 <b>Q. Okay.</b></p> <p>17 A. After there was some sort of, you know,</p> <p>18 corrections made or grammar or whatever.</p> <p>19 <b>Q. So then what Mr. Urquijo would do in the time</b></p> <p>20 <b>frame of, let's say, 2015, 2016, is he would review the</b> 12:16:38</p> <p>21 <b>Report of Investigation prepared by the investigator</b></p> <p>22 <b>and make any necessary, for example, grammatical</b></p> <p>23 <b>corrections; correct?</b></p> <p>24 A. Or case matter corrections.</p> <p>25 <b>Q. And so then Mr. Urquijo then had the authority</b> 12:16:51</p> <p style="text-align: right;">Page 89</p>

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<p>1 and the discretion to bounce the report back to the</p> <p>2 investigator if he wanted the investigator to conduct</p> <p>3 further investigation?</p> <p>4 A. Yes. 12:17:03</p> <p>5 Q. So assuming that in 2015-2016 time frame</p> <p>6 Mr. Urquijo gets the Report of Investigation, he</p> <p>7 reviews it, makes any necessary corrections.</p> <p>8 Who would Mr. Urquijo submit the report to?</p> <p>9 A. Me. 12:17:29</p> <p>10 Q. And regarding the Report of Investigation, once</p> <p>11 Mr. Urquijo is ready to pass it along to you, does he</p> <p>12 sign off on it?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 He just passes it to you? 12:17:40</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 And once you get that Report of Investigation,</p> <p>19 what do you do with it in the 2015-2016 time frame?</p> <p>20 A. Basically the same thing Mr. Urquijo would have 12:17:49</p> <p>21 done. I look for investigative content and for also</p> <p>22 grammatical issues. I may hand it back for further</p> <p>23 investigation depending on the matter.</p> <p>24 Q. And if there are grammatical issues, for</p> <p>25 example, would you just, for example, have your 12:18:07</p> <p style="text-align: right;">Page 90</p>	<p>1 it back to the investigator?</p> <p>2 A. I don't want to say on all occasions, but for</p> <p>3 the most part, yes.</p> <p>4 Q. Understood. Thank you. 12:19:42</p> <p>5 So then assuming you have a -- you receive a</p> <p>6 Report of Investigation and you believe that everything</p> <p>7 is fine with it in terms of content and grammar, who</p> <p>8 would you submit it to?</p> <p>9 A. Depending on the nature of what the outcome</p> <p>10 was. There was a process that I was changing from the 12:20:02</p> <p>11 moment I got there, and I was requiring different</p> <p>12 things. If we went to the D.A., we needed a different</p> <p>13 report. And so it changed. It was evolving from the</p> <p>14 moment I got there because I felt that it needed</p> <p>15 changing. 12:20:29</p> <p>16 Q. Okay.</p> <p>17 So then was this -- this would have been during</p> <p>18 the 2015-2016 time frame?</p> <p>19 A. From 2014 to 2016, yes. 12:20:38</p> <p>20 Q. Okay.</p> <p>21 So then in the 2015-2016 time frame, if you</p> <p>22 received a report where you were fine with the</p> <p>23 investigative content and the grammar and it was a</p> <p>24 report where there was a recommendation that it go to</p> <p>25 the District Attorney's office, I believe you mentioned 12:20:55</p> <p style="text-align: right;">Page 92</p>
<p>1 secretary make those grammatical changes, or do you</p> <p>2 bounce it back to the investigator?</p> <p>3 A. So that's a complex question that you would</p> <p>4 have to break out into several different ones to answer</p> <p>5 yes or no. 12:18:23</p> <p>6 Q. Okay. All right.</p> <p>7 A. I'm not trying to be -- I'm not trying to be</p> <p>8 hard.</p> <p>9 Q. Mr. Cabibi, I don't think that you are.</p> <p>10 A. Okay. 12:18:29</p> <p>11 Q. I really don't. Let's see.</p> <p>12 And you're doing exactly what I told you, which</p> <p>13 is, if I'm unclear, when I'm asking the question, you</p> <p>14 let me know.</p> <p>15 So then once you do the -- once you get the 12:18:39</p> <p>16 Report of Investigation and you decide that there's</p> <p>17 some grammatical issues that you're unhappy with, what</p> <p>18 was your practice?</p> <p>19 A. To go back to the investigator through -- give</p> <p>20 it to Mr. Urquijo to have the investigator make the 12:19:06</p> <p>21 changes.</p> <p>22 Q. So then in the 2015-2016 time frame, is it</p> <p>23 accurate to say that you would not go to the</p> <p>24 investigator directly. You would give the</p> <p>25 investigation to Mr. Urquijo and instruct him to give 12:19:24</p> <p style="text-align: right;">Page 91</p>	<p>1 that there would be a different type of report that</p> <p>2 would be generated?</p> <p>3 A. Right. So at first they were being sent over</p> <p>4 by the investigator directly. I had a meeting to</p> <p>5 discuss that I wanted a Prosecution Summary. And so -- 12:21:13</p> <p>6 and also that evolved into just from the investigator</p> <p>7 doing it themselves.</p> <p>8 The investigator and the supervisor would go</p> <p>9 see the D.A., not by sending it electronically, but by</p> <p>10 doing it in-person. So that evolved. That changed. 12:21:31</p> <p>11 Q. All right.</p> <p>12 So at the time that Ms. Dorsey -- well, as of</p> <p>13 January 7th of 2016, when you sent Ms. Dorsey home, had</p> <p>14 that process by which there was a Prosecution Summary</p> <p>15 and the investigating -- the investigator and 12:21:49</p> <p>16 supervising investigator would go to the D.A.</p> <p>17 in-person.</p> <p>18 Had that process kicked in yet?</p> <p>19 A. I'm not sure. I'm not sure exactly the dates</p> <p>20 that that started to change. 12:22:02</p> <p>21 Q. Who was responsible for preparing the</p> <p>22 Prosecuting Summary?</p> <p>23 A. The investigator.</p> <p>24 Q. So then at some point, the process was that the</p> <p>25 investigator was responsible for preparing the Report 12:22:15</p> <p style="text-align: right;">Page 93</p>

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<p>1 of Investigation and also a Prosecution Summary to the</p> <p>2 extent that the investigation was being directed</p> <p>3 towards the District Attorney's office?</p> <p>4 A. Yes. 12:22:29</p> <p>5 Q. And with respect to the Report of</p> <p>6 Investigation, if you believed that it was fine in</p> <p>7 terms of grammar and investigative content, would you</p> <p>8 sign off on it?</p> <p>9 A. I would. 12:22:50</p> <p>10 Q. And in terms of Prosecution Summary, if you</p> <p>11 believed that it was fine and in terms of grammatical</p> <p>12 content -- grammatical and investigatory content, would</p> <p>13 you sign off on it?</p> <p>14 A. I would. 12:23:03</p> <p>15 Q. And at the time where there was a requirement</p> <p>16 of a Prosecution Summary, would that be done at about</p> <p>17 the same time as the Report of Investigation or later</p> <p>18 in the process?</p> <p>19 A. Well, it should be done before. 12:23:16</p> <p>20 Q. Okay.</p> <p>21 So the way that it work is, at some point it</p> <p>22 evolved to where the investigator would complete his</p> <p>23 investigation. The investigator would do a Prosecution</p> <p>24 Summary and a Report of Investigation; correct?</p> <p>25 A. Yes. 12:23:32</p> <p style="text-align: right;">Page 94</p>	<p>1 office, we want management -- the supervisor, and</p> <p>2 myself -- want to review that to make sure that there's</p> <p>3 nothing else to be done in the case cause I felt they</p> <p>4 were being sent prematurely. 12:25:09</p> <p>5 Q. Cause -- so then are you saying then, before</p> <p>6 you implemented that, what essentially would happen is</p> <p>7 that the investigator would do the -- complete the</p> <p>8 investigation, do a Report of Investigation, and then</p> <p>9 just e-mail the Report of Investigation directly to the</p> <p>10 D.A.'s office? 12:25:24</p> <p>11 MR. HILL: Objection. Vague as to time, but</p> <p>12 you can answer to the extent you can.</p> <p>13 BY MR. BROWN:</p> <p>14 Q. Before you implemented this new process.</p> <p>15 A. Yes, with -- with a caveat that maybe they 12:25:35</p> <p>16 brought it over there, instead of e-mailing it</p> <p>17 depending on the relationship and who the D.A. was.</p> <p>18 Q. So then is that to say that there was a period</p> <p>19 of time that you observed before implementing this new</p> <p>20 process regarding the Prosecution Summary, for example, 12:25:54</p> <p>21 to where the investigator would send reports of</p> <p>22 investigation directly to the District Attorney's</p> <p>23 office without presenting it first to the supervising</p> <p>24 investigator?</p> <p>25 A. Yes. 12:26:12</p> <p style="text-align: right;">Page 96</p>
<p>1 Q. And then both of those reports would be</p> <p>2 submitted -- assuming it was a matter that was directed</p> <p>3 to the D.A., both of those reports would be submitted</p> <p>4 to the supervising investigator; correct? 12:23:45</p> <p>5 A. Yes.</p> <p>6 Q. That supervising investigator would review both</p> <p>7 of those reports, make any grammatical changes, and</p> <p>8 also make a decision as to whether or not the -- either</p> <p>9 of those reports needed to be kicked back to the</p> <p>10 investigator for further investigation; correct? 12:24:01</p> <p>11 A. Again, a very cumbersome question. I'm not</p> <p>12 sure we can answer it because I'm not sure if there was</p> <p>13 Prosecution Summaries being put together at that time.</p> <p>14 Q. Got it. Okay. All right. That's fair.</p> <p>15 At the time when Prosecution Summaries were 12:24:20</p> <p>16 being put together, the supervising investigator would</p> <p>17 review them and the Report of Investigation.</p> <p>18 And if he believed that they were fine in terms</p> <p>19 of investigative content and grammar, Mr. Urquijo would</p> <p>20 then get those reports to you; correct? 12:24:40</p> <p>21 A. So as I alluded to before, there was -- part of</p> <p>22 the process I saw was broken down as that the</p> <p>23 supervisor was not given that opportunity. And so I</p> <p>24 was having meetings to discuss that.</p> <p>25 Before you send anything over to the D.A.'s 12:24:54</p> <p style="text-align: right;">Page 95</p>	<p>1 Q. Or to you?</p> <p>2 A. Yes.</p> <p>3 Q. And that was the process that you changed?</p> <p>4 A. Yes. 12:26:21</p> <p>5 Q. Because you wanted to make sure that you had an</p> <p>6 opportunity to review the investigations fully to make</p> <p>7 sure that they were ready to go to the District</p> <p>8 Attorney's office?</p> <p>9 A. Correct.</p> <p>10 Q. All right. So that's the process then I want 12:26:36</p> <p>11 to talk about.</p> <p>12 A. Okay.</p> <p>13 Q. So then we have a Prosecution Summary. Let me</p> <p>14 start that again.</p> <p>15 So at some point in 2015 or 2016, we have a 12:26:46</p> <p>16 Prosecution Summary and a Report of Investigation that</p> <p>17 Mr. Urquijo has in his possession. He believes that</p> <p>18 both of these documents are fine in terms of</p> <p>19 investigative content and grammatical content.</p> <p>20 He then would submit those documents to you; 12:27:04</p> <p>21 correct?</p> <p>22 A. I'm sorry. You're going to have to restart</p> <p>23 that over. I thought it was going in a different</p> <p>24 direction; so...</p> <p>25 Q. That's okay. Don't worry about it. 12:27:17</p> <p style="text-align: right;">Page 97</p>

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<p>1       <b>So now, I'm only talking about this new process</b> 2 <b>that you've implemented.</b> 3       A. Just the new process. 4       <b>Q. Yes. Exactly.</b> 5       <b>And so Mr. Urquijo has the prosecute --</b> 12:27:26 6 <b>Prosecutor's Summary and he has the Report of</b> 7 <b>Investigation that's completed by the investigator.</b> 8       <b>You with me?</b> 9       A. So at times we would come in with a Report of 10 Investigation. 12:27:36 11       <b>Q. Uh-huh.</b> 12       A. And we would ask the investigator at some point 13 in 2016 to convert that over to a Prosecution Summary. 14       <b>Q. Okay.</b> 15       A. Which has different content. 12:27:47 16       <b>Q. Understood. Okay.</b> 17       <b>And I may have gotten this wrong. If I have,</b> 18 <b>please let me know.</b> 19       <b>I thought that the prosecutor -- the Prosecutor</b> 20 <b>Summary was supposed to be prepared before the Report</b> 12:28:02 21 <b>of Investigation?</b> 22       A. So that was the process that evolved as well. 23       <b>Q. Okay. Let's see if it's easier to do this one</b> 24 <b>document at a time.</b> 25       <b>So once you have the Report of Investigation</b> 12:28:24  Page 98</p>	<p>1       <b>Q. And so then regarding that process, before you</b> 2 <b>would go over to -- sorry.</b> 3       <b>Regarding that process, after you had signed</b> 4 <b>off on the Report of Investigation, before it was</b> 12:29:48 5 <b>submitted to the District Attorney's office, would you</b> 6 <b>submit it to Mr. Bramlett?</b> 7       A. Initially, yes. And that changed also. 8       <b>Q. How did that change?</b> 9       A. He didn't require me to. He said he could -- I 10 could just do it myself. 12:30:03 11       <b>Q. He trusted your discretion?</b> 12       A. Uh-huh. 13       <b>Q. That's a "Yes"?</b> 14       A. Yes. 15       <b>Q. All right.</b> 12:30:08 16       A. Sorry. 17       <b>Q. When I do that, I'm not being --</b> 18       A. I realize. 19       <b>Q. Very good. Okay.</b> 20       <b>So then before you would submit it to the</b> 12:30:14 21 <b>District Attorney's office, did you have to get any --</b> 22 <b>did you have to have the Board of Education sign off on</b> 23 <b>it?</b> 24       A. No. 25       <b>Q. Did you have to get any other department,</b> 12:30:29  Page 100</p>
<p>1       <b>and you review it, you feel that it's fine in terms of</b> 2 <b>investigative content and grammar, you would then sign</b> 3 <b>off on it; correct?</b> 4       <b>That's "Yes"?</b> 5       A. Yes. Sorry. 12:28:37 6       <b>Q. That's okay.</b> 7       <b>Then who would you submit it to?</b> 8       A. Depending if it needed to go forward to the 9 Board of Education or if it just needed to be closed 10 out as a file. 12:28:48 11       <b>Q. If it was going to -- the intention was to get</b> 12 <b>it to the D.A.'s office, who would you submit it to?</b> 13       A. Well, we would try to make contact with the 14 D.A. So I had met with the head deputy D.A. I can't 15 remember his name right now. And then several 12:29:06 16 different D.A.'s. 17       And we would call over and say, "Can we have a 18 meeting" and go over with -- sometimes with the 19 investigator and the supervisor. Later on that just 20 became the supervisor and the investigator. But at 12:29:20 21 first I started going. Sort of "This is what we have. 22 Are you interested in this case?" 23       <b>Q. And --</b> 24       A. Because we -- we felt -- I felt we weren't 25 getting proper -- quickly responses. 12:29:33  Page 99</p>	<p>1       <b>section, or unit from the District to sign off on it?</b> 2       A. No. 3       <b>Q. Now, let's go to the Prosecutor Summary.</b> 4       <b>So you review the prosecute -- Prosecutor</b> 12:30:45 5 <b>Summary. It's fine in terms of investigatory and</b> 6 <b>grammatical content, and you want to get it to the</b> 7 <b>District Attorney's office.</b> 8       <b>What would be the next step in the process?</b> 9       A. Call over to the D.A.'s office, make an 10 appointment to see them, and pitch the case to them. 12:31:00 11       <b>Q. And with respect to the prosecutor -- the</b> 12 <b>Prosecutor Summary, was it the same situation where</b> 13 <b>Mr. Bramlett trusted your discretion and he did not</b> 14 <b>need to review it?</b> 15       A. I don't remember if he did review it or not, 12:31:14 16 but I know it was ongoing communication between me and 17 him. 18       <b>Q. Was there ever a part of this -- what I'll call</b> 19 <b>a case process by which the investigator would prepare</b> 20 <b>a report and submit it to the Inspector General, Mr.</b> 12:31:31 21 <b>Bramlett, in 2015-2016?</b> 22       A. Yes. 23       <b>Q. And describe that part of the process for me.</b> 24       A. I -- I want to say that from the time I got on 25 until approximately when I started to realize this was 12:31:44  Page 101</p>

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<p>1 happening more and more, there was Reports of</p> <p>2 Investigation that were being done in -- in</p> <p>3 Mr. Bramlett's name and sometimes just admitted to the</p> <p>4 secretary. And it was closed out without my knowledge.</p> <p>5 And sometime thereafter, I would look for -- 12:32:03</p> <p>6 "Hey, what's going on in that case," and I realized it</p> <p>7 was closed.</p> <p>8 <b>Q. And prior to the District Attorney's review,</b></p> <p>9 <b>did Mr. Bramlett sign all Reports of Investigation at</b></p> <p>10 <b>any point in this process?</b> 12:32:27</p> <p>11 A. I'm not sure if he ever signed off on any of</p> <p>12 them.</p> <p>13 <b>Q. Okay.</b></p> <p>14 <b>And at any point in this process -- I'm talking</b></p> <p>15 <b>about the case process -- did Mr. Bramlett have the</b> 12:32:37</p> <p>16 <b>responsibility of submitting any Reports of</b></p> <p>17 <b>Investigation to the superintendent?</b></p> <p>18 MR. HILL: Lacks foundation. Calls for</p> <p>19 speculation.</p> <p>20 BY MR. BROWN: 12:32:52</p> <p>21 <b>Q. If you know.</b></p> <p>22 A. I don't know.</p> <p>23 <b>Q. At any point in this process, did Mr. Bramlett</b></p> <p>24 <b>have the responsibility in 2015-2016 of submitting</b></p> <p>25 <b>Reports of Investigation or Prosecutor Summary to the</b> 12:33:05</p> <p style="text-align: right;">Page 102</p>	<p>1 matter -- a program was, you know, whatever was</p> <p>2 involved in it.</p> <p>3 One would go to the Superintendent, one would</p> <p>4 go or several would go to the -- the Board of</p> <p>5 Education. But there was a Distribution List that was 12:34:39</p> <p>6 put together by the secretary, I guess, or the</p> <p>7 administrative assistant to Mr. Bramlett.</p> <p>8 <b>Q. And then once the report was distributed to --</b></p> <p>9 <b>distributed, then it would go to the District</b></p> <p>10 <b>Attorney's office; is that correct?</b> 12:34:56</p> <p>11 A. That was the prior process that I was not</p> <p>12 comfortable with.</p> <p>13 <b>Q. Yes.</b></p> <p>14 <b>And why were you not comfortable with that</b></p> <p>15 <b>process?</b> 12:35:04</p> <p>16 A. Because, to me, the greater case was the</p> <p>17 criminal case -- potential criminal case, and we were</p> <p>18 distributing as if it was a closed case already. And</p> <p>19 let them know "Hey, this" --</p> <p>20 You know, I was -- I was having instances where 12:35:18</p> <p>21 the D.A.'s office was calling me about a four-year old</p> <p>22 case that I wasn't aware was at the D.A.'s office</p> <p>23 because the process was such that they closed it; so I</p> <p>24 didn't know anyone was assigned that case.</p> <p>25 When I would look in Time Matters, I wouldn't 12:35:35</p> <p style="text-align: right;">Page 104</p>
<p>1 <b>ethics COO?</b></p> <p>2 MR. HILL: Lacks foundation. Vague. Calls for</p> <p>3 speculation.</p> <p>4 BY MR. BROWN:</p> <p>5 <b>Q. You can answer.</b> 12:33:13</p> <p>6 A. I don't know who the ethics COO is.</p> <p>7 <b>Q. Excuse me. Have you ever heard of anything</b></p> <p>8 <b>called the Distribution List in the context of the --</b></p> <p>9 <b>what I'll call the case process?</b></p> <p>10 A. Yes. 12:33:45</p> <p>11 <b>Q. What is the Distribution List?</b></p> <p>12 A. They're -- a Report of Investigation is</p> <p>13 complete and before the -- and that process changed as</p> <p>14 well. Before I got there and shortly thereafter, it</p> <p>15 changed. 12:34:00</p> <p>16 But it used to be that the investigators in</p> <p>17 working with the administrative staff would make</p> <p>18 photocopies of the Reports of Investigation that were</p> <p>19 completed. And they would distribute them to the</p> <p>20 appropriate party that was involved in the 12:34:11</p> <p>21 investigation, such as the local District -- local</p> <p>22 District Superintendent.</p> <p>23 Maybe they would drive it -- physically drive</p> <p>24 it to the local District Superintendent and hand it</p> <p>25 off. And the other sections in the building that the 12:34:25</p> <p style="text-align: right;">Page 103</p>	<p>1 know that the case was assigned to anybody. So it</p> <p>2 would be a case that came up from somebody that already</p> <p>3 left the District. And so now they're calling, and now</p> <p>4 I have to go find the case.</p> <p>5 So my process was don't close the case. The 12:35:44</p> <p>6 case will have a new designation called the "D.A.'s</p> <p>7 Office, Open D.A." Meaning, it's at the D.A. and it's</p> <p>8 still open.</p> <p>9 So I was trying to change the process</p> <p>10 consistent what I was used to in other agencies, which 12:35:57</p> <p>11 made sense to me. Why would you close a matter,</p> <p>12 especially since the D.A. might ask you to go and</p> <p>13 re-investigate a certain matter and you might find</p> <p>14 other violations? Why are you reporting to the</p> <p>15 superintendent? And if you could just wait, and do 12:36:12</p> <p>16 that at the end.</p> <p>17 <b>Q. So then in terms of -- were you ev- -- were you</b></p> <p>18 <b>ever able to implement that process that you wanted to?</b></p> <p>19 A. Almost 90 percent --</p> <p>20 <b>Q. Okay.</b> 12:36:22</p> <p>21 A. -- yes.</p> <p>22 <b>Q. And then would it be accurate to say then that</b></p> <p>23 <b>you were trying to streamline it and make sure that you</b></p> <p>24 <b>had a chance and opportunity to review it.</b></p> <p>25 <b>Mr. Bramlett said he didn't need to review it. And</b> 12:36:32</p> <p style="text-align: right;">Page 105</p>

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<p>1     <b>then you would make that decision as to whether or not</b></p> <p>2     <b>a case was ready to go to the D.A.'s office?</b></p> <p>3         A.   Correct, yes.</p> <p>4         <b>Q.   All right.</b></p> <p>5             MR. HILL:  Counsel, just a point of reference.             12:36:42</p> <p>6     It's 12:36.  What time do you plan on breaking for</p> <p>7     lunch?</p> <p>8             MR. BROWN:  I will break -- I generally don't</p> <p>9     eat lunch; so whatever anybody needs lunch.</p> <p>10            MR. HILL:  Okay.                                     12:36:50</p> <p>11            MR. BROWN:  So it's up to everyone here.</p> <p>12     BY MR. BROWN:</p> <p>13         <b>Q.   Let's see.  So all right.  Now, getting back to</b></p> <p>14         <b>the three-case files.</b></p> <p>15            A.   Sure.   12:37:01</p> <p>16         <b>Q.   All right.  So you mentioned that you had seen</b></p> <p>17         <b>them -- you and Mr. Urquijo had seen them thereabouts</b></p> <p>18         <b>of January 5th of 2017?</b></p> <p>19            A.   Yes.  I haven't reviewed documents, but I</p> <p>20     remember it was around that day.  5th or 6th.  One of             12:37:20</p> <p>21     the two days.</p> <p>22         <b>Q.   And I'm going to say on or about.</b></p> <p>23            A.   On or about January 5th.</p> <p>24         <b>Q.   Under -- understand that you don't recall, as</b></p> <p>25         <b>you sit here, the exact date.</b>                             12:37:27</p> <p style="text-align: right;">Page 106</p>	<p>1     he knew where the cases were.</p> <p>2             So when I -- when I had a question by a Board</p> <p>3     member or Mr. Bramlett as to where are we on this case,</p> <p>4     I could answer it without having to, you know, go in</p> <p>5     depth into the case file or have to go rely on the --             12:38:36</p> <p>6     on the investigator to, you know, to update me.</p> <p>7         <b>Q.   Uh-huh.</b></p> <p>8             A.   So I asked him that to have regular meetings</p> <p>9     with them.  And at one point right shortly before that,</p> <p>10    maybe December, he had put out a -- a -- a meeting             12:38:51</p> <p>11    arrangements with the investigators and to include</p> <p>12    Ms. Dorsey.</p> <p>13             And at one point said, "Please bring your case</p> <p>14    files up-to-date.  Make sure they're uploaded in Time</p> <p>15    Matters.  Make sure all the relevant documents were             12:39:10</p> <p>16    uploaded and everything is up-to-date.  Bring them to</p> <p>17    me."  And he had appointments with different people.</p> <p>18             So I started doing the same thing.  Just making</p> <p>19    sure.  And I remember it was a period around</p> <p>20    Christmastime when most people are not at the District.         12:39:31</p> <p>21    So you have a lot of downtime, and I was checking up on</p> <p>22    cases.  And I asked them about all of these different</p> <p>23    cases.</p> <p>24             And he said, "This is what" -- I don't know if</p> <p>25    he had forwarded the e-mail to me or we discussed it,             12:39:47</p> <p style="text-align: right;">Page 108</p>
<p>1     A.  Thank you.</p> <p>2         <b>Q.   Fair enough?</b></p> <p>3         A.   Fair enough.</p> <p>4         <b>Q.   All right.</b></p> <p>5             <b>So then what was the circumstance in which you</b>         12:37:31</p> <p>6             <b>and Mr. Urquijo saw those three documents on or about</b></p> <p>7             <b>January 5th?</b></p> <p>8             MR. HILL:  The files.</p> <p>9             MR. BROWN:  I'm sorry.  Thank you very much,</p> <p>10    Mr. Hill.   12:37:46</p> <p>11    BY MR. BROWN:</p> <p>12         <b>Q.   What was the circumstances under which you and</b></p> <p>13         <b>Mr. Urquijo saw those three files on or about</b></p> <p>14         <b>January 5th of 2015?</b></p> <p>15            A.   So I was trying to --                             12:37:58</p> <p>16         <b>Q.   2016.</b></p> <p>17            A.   -- change.  Sorry.</p> <p>18         <b>Q.   No.  You don't have anything to apologize for.</b></p> <p>19         <b>Let me try that again.</b></p> <p>20             <b>What was the circumstances under which you and</b>         12:38:02</p> <p>21             <b>Mr. Urquijo saw the three case files on or about</b></p> <p>22             <b>January 5th, 2016?</b></p> <p>23            A.   So one of the processes, as I alluded to</p> <p>24     before, that I wanted Mr. Urquijo to do was have</p> <p>25     regular conversations with the investigators so he --             12:38:21</p> <p style="text-align: right;">Page 107</p>	<p>1     Ms. Cheryl's -- Ms. Dorsey's information about four of</p> <p>2     her cases.  And somehow I became aware that there was</p> <p>3     no update on three cases that showed in her -- in her</p> <p>4     case files -- you know, in Time Matters, that she had</p> <p>5     these other cases.   12:40:10</p> <p>6             So I said, "Well, what about these other three</p> <p>7     cases?"</p> <p>8             "Oh, she didn't provide me information on those</p> <p>9     cases."</p> <p>10            I said, "Well, what's going on in those cases?"         12:40:18</p> <p>11    In general, I'm just asking him now.  I'm questioning</p> <p>12    him.</p> <p>13             And he says, "Well, remember we did the</p> <p>14    re-interview on the Coaloa case."  Now, I know</p> <p>15    Ms. Dorsey had closed that case at some point.  And we         12:40:31</p> <p>16    had reviewed it and realized that we weren't</p> <p>17    comfortable with the investigation, and we wanted more</p> <p>18    things done to it, including --</p> <p>19             MR. HILL:  I think you're going off his</p> <p>20    question.  His question was how did you come about             12:40:45</p> <p>21    learning that -- was seeing the three cases on the 5th</p> <p>22    of January of 2016?</p> <p>23             THE WITNESS:  We were looking for these three</p> <p>24    cases that weren't updated.</p> <p>25    ///   12:40:54</p> <p style="text-align: right;">Page 109</p>

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<p>1 BY MR. BROWN:</p> <p>2 <b>Q. And when you say they weren't updated, what do</b></p> <p>3 <b>you mean?</b></p> <p>4 A. Updates where -- if I remember correctly, there</p> <p>5 was an e-mail. And there was only updates of four 12:41:04</p> <p>6 cases. And there was three cases that were still</p> <p>7 registered under her name -- Ms. Dorsey's name --</p> <p>8 excuse me. And I was trying to inquire what about the</p> <p>9 updates which caused us to look for them.</p> <p>10 <b>Q. Okay.</b> 12:41:22</p> <p>11 <b>And what e-mail are you referring to?</b></p> <p>12 A. If I remember correctly --</p> <p>13 <b>Q. Uh-huh.</b></p> <p>14 A. -- an e-mail of an update that Ms. Dorsey</p> <p>15 provided to Mr. Urquijo. 12:41:32</p> <p>16 <b>Q. Okay.</b></p> <p>17 <b>So you wanted those three cases; correct?</b></p> <p>18 A. Exactly.</p> <p>19 <b>Q. And what information did you want from those</b></p> <p>20 <b>three cases?</b> 12:41:48</p> <p>21 A. Specifically I don't recall other than I knew</p> <p>22 that the Wright case was at the D.A.'s office and I</p> <p>23 wanted to know where -- what stage it was at.</p> <p>24 <b>Q. Could you have found that information out by</b></p> <p>25 <b>going on Time Matters?</b> 12:42:07</p> <p style="text-align: right;">Page 110</p>	<p>1 <b>that correct?</b></p> <p>2 A. No. Ms. Dorsey conducted that interview with</p> <p>3 Mr. Urquijo present.</p> <p>4 <b>Q. How do you know that?</b></p> <p>5 A. He told me that. 12:43:41</p> <p>6 <b>Q. Did you ever talk about the Coaloa interview</b></p> <p>7 <b>that -- did you ever talk about that Coaloa interview</b></p> <p>8 <b>with Ms. Dorsey?</b></p> <p>9 A. I believe I asked a question on the day that I</p> <p>10 sent her home about it. Maybe one or two questions. 12:44:05</p> <p>11 <b>Q. Okay. To the extent that Mr. Urquijo and</b></p> <p>12 <b>Ms. Dorsey were working together in re-interviewing</b></p> <p>13 <b>Ms. Coaloa, did they both have the responsibility to</b></p> <p>14 <b>update Time Matters with respect to that interview?</b></p> <p>15 A. No. The responsibility rests on the 12:44:29</p> <p>16 investigator.</p> <p>17 <b>Q. Okay. So then once you realized that you want</b></p> <p>18 <b>these files, what did you do towards that end?</b></p> <p>19 A. So I'm not sure exactly the time frame, but I</p> <p>20 asked, "Well, where's Ms. Dorsey? When is she coming 12:44:50</p> <p>21 back?" And I'm not sure if she had left for the day</p> <p>22 already. So I said, "Well, I need to know -- I need to</p> <p>23 know what's going on with these."</p> <p>24 And so at some point, either that day or the</p> <p>25 next day, when she didn't come back to work for 12:45:08</p> <p style="text-align: right;">Page 112</p>
<p>1 A. I did. I actually did on all three. That's</p> <p>2 how I realized that I didn't have updates to those</p> <p>3 three cases.</p> <p>4 <b>Q. So then after you realized that you needed</b></p> <p>5 <b>updates on those three cases, what did you do in terms</b> 12:42:21</p> <p>6 <b>of trying to find that information?</b></p> <p>7 A. So Ms. Dorsey wasn't there at the time for</p> <p>8 whatever reason. I'm not sure if she was off or what</p> <p>9 the circumstance was. I -- I went to question</p> <p>10 Mr. Urquijo, and he said, "Yeah" -- "No. I know he 12:42:40</p> <p>11 has" -- she -- "I know about the Coaloa case because I</p> <p>12 did an interview with her recently. And I wrote up the</p> <p>13 notes of the interview and gave it to her to write up,</p> <p>14 but that was not in Time Matters. Neither the copy of</p> <p>15 the notes or the write up. It would be a Record of 12:42:58</p> <p>16 Interview."</p> <p>17 <b>Q. Uh-huh. Well -- and just kind of approach that</b></p> <p>18 <b>issue for a minute.</b></p> <p>19 <b>Regarding that interview that was done on the</b></p> <p>20 <b>Coaloa case, that was -- that would have occurred --</b> 12:43:15</p> <p>21 <b>that was an interview that was done by Mr. Urquijo and</b></p> <p>22 <b>Ms. Dorsey; is that correct?</b></p> <p>23 A. Yeah. It was a second interview. It was after</p> <p>24 I felt that the -- the information was not all covered.</p> <p>25 <b>Q. And Mr. Urquijo conducted that interview; is</b> 12:43:30</p> <p style="text-align: right;">Page 111</p>	<p>1 whatever reason, I asked, "Well, let's -- you know,</p> <p>2 where are these files?"</p> <p>3 He says, "Well, I know I gave her a yellow</p> <p>4 sheet of my notes, and she put it in the file. And I</p> <p>5 don't know where that is. It's not uploaded." So I 12:45:28</p> <p>6 was trying to get information on that file.</p> <p>7 At one point we opened up her cabinets to look</p> <p>8 for the files because they were not inside the Fire</p> <p>9 King where we had designated all files should stay. 12:45:46</p> <p>10 The four that she had updated him on were in there, the</p> <p>11 others were not.</p> <p>12 <b>Q. And so did you -- were the other files in her</b></p> <p>13 <b>desk?</b></p> <p>14 A. We found them in her credenza attached to her</p> <p>15 desk. 12:46:01</p> <p>16 <b>Q. Okay.</b></p> <p>17 A. Now, when I say we find -- we found those, I</p> <p>18 saw three files. We -- the top file, I remember being</p> <p>19 the Anthony Wright file. And the one right below that</p> <p>20 was the Donna Coaloa file. I -- I remember that 12:46:14</p> <p>21 because --</p> <p>22 <b>Q. Debra Coaloa file.</b></p> <p>23 A. Debra Coaloa. Excuse me.</p> <p>24 <b>Q. That's fine.</b></p> <p>25 A. I remember that because we -- we took it, and 12:46:24</p> <p style="text-align: right;">Page 113</p>

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<p>1 we put it on the credenza, and we looked through it.</p> <p>2 And, again, we're looking for yellow paper that he</p> <p>3 remembered writing his notes on, and it was not in</p> <p>4 there.</p> <p>5 And I remember saying, "Look, I don't want to 12:46:37</p> <p>6 get into a hassle with Ms. Dorsey about this. Let's</p> <p>7 put it back in here, and let's ask her tomorrow where</p> <p>8 that information is.</p> <p>9 <b>Q. Okay.</b></p> <p>10 <b>And just taking it from there, so then did you 12:46:47</b></p> <p>11 <b>look -- you mentioned that you saw the first file was</b></p> <p>12 <b>Anthony Wright. The second one was Debra Coaloa.</b></p> <p>13 <b>Did you look at the last one?</b></p> <p>14 A. No. But I assumed -- I assumed that it was the</p> <p>15 third file we were looking for, but there was a third 12:47:01</p> <p>16 file there.</p> <p>17 <b>Q. Okay.</b></p> <p>18 <b>But -- but you don't know what --</b></p> <p>19 A. I don't know.</p> <p>20 MR. HILL: Let him finish his question. 12:47:09</p> <p>21 THE WITNESS: Sorry.</p> <p>22 BY MR. BROWN:</p> <p>23 <b>Q. Okay.</b></p> <p>24 <b>Were the files supposed to be in the credenza</b></p> <p>25 <b>or in the File King? 12:47:15</b></p> <p style="text-align: right;">Page 114</p>	<p>1 A. Other than what step in the process -- the</p> <p>2 prosecution process that we in. Have we talked to the</p> <p>3 prosecutor? What was going on with it?</p> <p>4 <b>Q. But you did not inspect the file to -- to find</b></p> <p>5 <b>that information? 12:48:18</b></p> <p>6 A. That's correct.</p> <p>7 <b>Q. Okay. So when you went into Ms. Dorsey's</b></p> <p>8 <b>credenza and you saw those three files, the only thing</b></p> <p>9 <b>that you were looking for was the Record of Interview</b></p> <p>10 <b>for the Debra Coaloa case? 12:48:34</b></p> <p>11 A. That's correct. The -- the Record of Interview</p> <p>12 and/or notes.</p> <p>13 <b>Q. And how did you get into Ms. Dorsey's credenza?</b></p> <p>14 A. I think Mr. Urquijo had everybody's keys for</p> <p>15 the credenzas -- for everybody's credenzas. He got 12:48:51</p> <p>16 those out of a purse that he had in his drawer. And,</p> <p>17 you know, we opened up the drawer.</p> <p>18 <b>Q. And does the -- does the District have any</b></p> <p>19 <b>policy which allows you to open the drawers or the</b></p> <p>20 <b>credenzas of your subordinates? 12:49:12</b></p> <p>21 MR. HILL: Calls for speculate -- calls for</p> <p>22 speculation.</p> <p>23 BY MR. BROWN:</p> <p>24 <b>Q. If you know.</b></p> <p>25 MR. HILL: You can answer. 12:49:18</p> <p style="text-align: right;">Page 116</p>
<p>1 A. In the Fire King.</p> <p>2 <b>Q. Fire King.</b></p> <p>3 A. Safe.</p> <p>4 <b>Q. Thank you very much.</b></p> <p>5 A. No problem 12:47:21</p> <p>6 <b>Q. Okay. In reviewing those two files, did you</b></p> <p>7 <b>get the information that you wanted?</b></p> <p>8 MR. HILL: I think it misstates the testimony,</p> <p>9 but you can answer.</p> <p>10 I think he only testified about reviewing one 12:47:31</p> <p>11 file.</p> <p>12 THE WITNESS: Right. We didn't int- -- we</p> <p>13 didn't review the Anthony Wright file.</p> <p>14 BY MR. BROWN:</p> <p>15 <b>Q. Okay. You only reviewed the Debra Coaloa file? 12:47:39</b></p> <p>16 A. Because specifically we were looking for the</p> <p>17 Record of Interview for the Debra Coaloa case that I</p> <p>18 didn't find in Time Matters. Cause I knew I had asked</p> <p>19 for that to be further investigated, and I was trying</p> <p>20 to figure out what had happened without speaking to 12:47:57</p> <p>21 either of them, and I couldn't.</p> <p>22 <b>Q. Did you want any information from the Anthony</b></p> <p>23 <b>Wright file on or about January 5th of 2016?</b></p> <p>24 A. I did not.</p> <p>25 <b>Q. Did you want -- 12:48:10</b></p> <p style="text-align: right;">Page 115</p>	<p>1 THE WITNESS: Since then I've asked for a legal</p> <p>2 -- legal opinion about that.</p> <p>3 MR. HILL: Okay. Don't go into a legal</p> <p>4 opinion. He asked you whether or not you're aware of a</p> <p>5 policy. 12:49:32</p> <p>6 THE WITNESS: The pol -- I'm not sure if</p> <p>7 there's a policy.</p> <p>8 BY MR. BROWN:</p> <p>9 <b>Q. I'll ask you a different question.</b></p> <p>10 A. Okay. 12:49:35</p> <p>11 <b>Q. Make it a little bit easier.</b></p> <p>12 <b>As of January 7, 2016 -- as of January 5th of</b></p> <p>13 <b>2016, did you know if there was a policy which allowed</b></p> <p>14 <b>you to access Ms. Dorsey's locked credenza?</b></p> <p>15 A. I'm not sure if there's written policy. 12:49:52</p> <p>16 <b>Q. Were you aware of any unwritten policy?</b></p> <p>17 A. In general, public space is -- is -- as a</p> <p>18 supervisor, as long as you're not looking for something</p> <p>19 criminal, you could look in public space, including</p> <p>20 locked drawers because that is the public domain. And 12:50:11</p> <p>21 I was going under that assumption that we were looking</p> <p>22 for something related to our work.</p> <p>23 <b>Q. And when you say public -- "public space," what</b></p> <p>24 <b>is your authority for that?</b></p> <p>25 A. Where the government -- city government and 12:50:21</p> <p style="text-align: right;">Page 117</p>

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<p>1 this is property of the city government.</p> <p>2 <b>Q. So then once you saw that the three cases --</b></p> <p>3 <b>well, given your view that the three cases should have</b></p> <p>4 <b>been in the Fire King, why didn't you just put them in</b></p> <p>5 <b>the Fire King?</b> 12:50:51</p> <p>6 A. Because I felt management's relationship with</p> <p>7 Ms. Dorsey was already strained, and I didn't want, to</p> <p>8 be perfectly honest, piss her off. That we were doing</p> <p>9 something -- you know, at this point no one knew we had</p> <p>10 been in her space. So I said let's leave them there. 12:51:15</p> <p>11 Let's just ask her, and then whatever the answer is, it</p> <p>12 is. So I was waiting for her return.</p> <p>13 <b>Q. Okay. So in terms of your decision not to move</b></p> <p>14 <b>the cases from the locked credenza to the Fire King,</b></p> <p>15 <b>you were doing that in consideration of Ms. Dorsey's</b> 12:51:33</p> <p>16 <b>feelings?</b></p> <p>17 A. Absolutely.</p> <p>18 <b>Q. And in trying to avoid antagonizing her?</b></p> <p>19 A. Absolutely.</p> <p>20 <b>Q. Because at this point, as of January 5th, 2016,</b> 12:51:44</p> <p>21 <b>you still liked Ms. Dorsey?</b></p> <p>22 A. I never had, you know, a reason to dislike her.</p> <p>23 <b>Q. Okay.</b></p> <p>24 <b>So then after you had found the information</b></p> <p>25 <b>that you were looking for with respect to the three</b> 12:52:04</p> <p style="text-align: right;">Page 118</p>	<p>1 and -- and discuss it." And figure out why, you know,</p> <p>2 she hasn't written it up or where the notes are because</p> <p>3 we were looking for the notes too.</p> <p>4 When we both went back to the credenza and he</p> <p>5 opened it up again, it was not there anymore to our 12:53:53</p> <p>6 surprise.</p> <p>7 <b>Q. Okay. So then this is now --</b></p> <p>8 A. The next morning.</p> <p>9 <b>Q. January 6.</b></p> <p>10 A. I believe it was January 6th. 12:54:01</p> <p>11 <b>Q. Okay.</b></p> <p>12 <b>So then what changed between January 5th, when</b></p> <p>13 <b>you were taking her feelings into consideration and</b></p> <p>14 <b>leaving them in the credenza, and January 6th when you</b></p> <p>15 <b>decided, "Well, I'm going to secure them"?</b> 12:54:10</p> <p>16 A. I'm not sure if there was some communication</p> <p>17 between Mr. Urquijo and Ms. Dorsey. I -- I can't be</p> <p>18 sure of that. I don't know if it was in written form,</p> <p>19 like, "Tomorrow morning come and see me," or if there</p> <p>20 was some other communication because I can't remember 12:54:25</p> <p>21 at this moment, to be honest with you. A couple of</p> <p>22 years down the line.</p> <p>23 But there was something that made me think,</p> <p>24 "Huh. Okay. Well, you know, when is she -- when is</p> <p>25 she going to answer us?" you know. 12:54:37</p> <p style="text-align: right;">Page 120</p>
<p>1 <b>missing case files, did you decide that you wanted to</b></p> <p>2 <b>review them again?</b></p> <p>3 A. So our conversation the day we found them and</p> <p>4 decided to lock them in there and wait was to get them</p> <p>5 the next day. So the next day, when she didn't show up 12:52:24</p> <p>6 to work -- and I can't remember if she called in sick</p> <p>7 or whatever the situation was -- at some point -- I</p> <p>8 don't know if it was that afternoon -- we decided --</p> <p>9 you know, I want to make sure that we had those cases</p> <p>10 in hand. Thought about it again. Let's just go get 12:52:46</p> <p>11 those cases.</p> <p>12 I'm not sure if she did come in early on the</p> <p>13 6th maybe. I believe she came in the next day, but by</p> <p>14 the time I got around to it asking -- for whatever</p> <p>15 reason we were busy. 12:53:06</p> <p>16 Mr. Urquijo always conducted interviews with</p> <p>17 other investigators. He was always, like, second seat.</p> <p>18 Kind of make sure that the cases were going along. So</p> <p>19 either he was not available or I was not available for</p> <p>20 whatever reason doing other work. By the time we got 12:53:22</p> <p>21 around to it, Ms. Dorsey was no longer there.</p> <p>22 So I remember telling Mr. Urquijo, "You know</p> <p>23 what? Let's go secure those. Let's put them in your</p> <p>24 room. Let's -- we'll discuss it tomorrow that we were</p> <p>25 looking for them. We found them. Tell her the truth 12:53:36</p> <p style="text-align: right;">Page 119</p>	<p>1 And so we decided to secure it. There wasn't,</p> <p>2 like, some, you know, I changed my mind about not</p> <p>3 hurting her feelings or -- or antagonize her because I</p> <p>4 really didn't want to antagonize anyone. I -- I</p> <p>5 never, you know, wanted to get in that situation. I -- 12:54:52</p> <p>6 I felt like these are my people that work for me. This</p> <p>7 is all I have to work with me. Why am I going to</p> <p>8 antagonize them.</p> <p>9 So -- but at some point, I decided, "Let's go</p> <p>10 back there," and they were not there anymore. 12:55:09</p> <p>11 <b>Q. And would it be accurate to say that, in fact,</b></p> <p>12 <b>to follow that thread, that as of January 7th of 2016,</b></p> <p>13 <b>you had never administered any discipline to</b></p> <p>14 <b>Ms. Dorsey?</b></p> <p>15 A. No. Not -- not -- not whatsoever. We -- we -- 12:55:25</p> <p>16 we only had one incident where we discussed it, and I</p> <p>17 thought we were comfortable with one another. One</p> <p>18 another.</p> <p>19 <b>Q. Well, what incident?</b></p> <p>20 MR. HILL: Let him finish his question -- his 12:55:37</p> <p>21 answer.</p> <p>22 MR. BROWN: Oh, sure.</p> <p>23 BY MR. BROWN:</p> <p>24 <b>Q. I thought you were finished. Please, by all</b></p> <p>25 <b>means.</b> 12:55:45</p> <p style="text-align: right;">Page 121</p>

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<p>1 A. It was just one incident. And, you know, where</p> <p>2 we sat down and -- and we felt that -- I think</p> <p>3 altogether she was in my office maybe two times, and I</p> <p>4 never really had anything negative with her.</p> <p>5 <b>Q. And what was the one incident where you and her</b> 12:55:57</p> <p>6 <b>sat down and discussed it, and everything seemed fine?</b></p> <p>7 A. So two different incidents, actually. One had</p> <p>8 to do with a time when her and George Tillman came to</p> <p>9 my office to talk to me about an office space that she</p> <p>10 wanted to move into and that I had assigned it to 12:56:23</p> <p>11 Mr. Tillman. And she wanted to explain something, and</p> <p>12 I -- I felt that that was improper the way it was going</p> <p>13 about.</p> <p>14 I asked them to go back to their desk, and I</p> <p>15 will individually call them and try to figure out why 12:56:32</p> <p>16 I'm having this issue. I didn't realize it was an</p> <p>17 issue.</p> <p>18 And so at some point, I resolved that by</p> <p>19 assigning the work space to Ms. Dorsey. I didn't</p> <p>20 realize it was such a big issue. It might have been to 12:56:45</p> <p>21 them, but I wasn't aware of it.</p> <p>22 <b>Q. And what was the other incident?</b></p> <p>23 A. The other incident was an occasion where -- and</p> <p>24 I'm not sure how this -- this evolved -- but she came</p> <p>25 to my office, or I asked if she can come to my office, 12:56:59</p> <p style="text-align: right;">Page 122</p>	<p>1 <b>Q. And you told her that you had reviewed her</b></p> <p>2 <b>prior investigations and that you liked what you saw,</b></p> <p>3 <b>in substance?</b></p> <p>4 A. I did. 12:58:16</p> <p>5 <b>Q. And so about when did that --</b></p> <p>6 A. If I may add.</p> <p>7 <b>Q. Please.</b></p> <p>8 A. I also said, "But I noticed that that has</p> <p>9 changed. That your reports are not complete. That you</p> <p>10 jump quickly to send cases you deem closed to the 12:58:28</p> <p>11 prosecutors that I think there's a lot of work still to</p> <p>12 do on these matters."</p> <p>13 But I said -- "you know, I'm trying to work</p> <p>14 this out, you know, with someone that I feel is</p> <p>15 competent, that could do the job." 12:58:43</p> <p>16 <b>Q. Okay.</b></p> <p>17 <b>And I think you just, because you used this</b></p> <p>18 <b>term regarding -- you called it kind of Come-to-Jesus</b></p> <p>19 <b>meeting.</b></p> <p>20 <b>Do you recall about when that occurred?</b> 12:58:53</p> <p>21 A. It -- it had to have been sometime between,</p> <p>22 like, September and October of 2015.</p> <p>23 <b>Q. Okay.</b></p> <p>24 <b>And after that what I'll call that</b></p> <p>25 <b>Come-to-Jesus meeting in or around September or October</b> 12:59:11</p> <p style="text-align: right;">Page 124</p>
<p>1 because there was -- I felt some -- something going on</p> <p>2 between her and Mr. Urquijo, and I wanted to make sure</p> <p>3 she was okay.</p> <p>4 And long story short, you know, I can kind of</p> <p>5 classify this as a Come-to-Jesus meeting where she 12:57:17</p> <p>6 said, you know, "I wish over the incident with a</p> <p>7 cubicle, I would have come to you, and we could have</p> <p>8 discussed it" because I think she realized I was being</p> <p>9 reasonable about it.</p> <p>10 <b>Q. Okay.</b> 12:57:28</p> <p>11 A. And I said, "Okay. Great. Look, I'm looking</p> <p>12 at you as a senior investigator. You know, I don't</p> <p>13 have -- this is all I have. I think you can do great</p> <p>14 work, and I know you have because I've looked at some</p> <p>15 of your past cases. 12:57:41</p> <p>16 So I'm not looking for issues with you. I'm</p> <p>17 looking at you as, like, myself" -- I remember saying</p> <p>18 this. "I'm an aggressive investigator. I like that</p> <p>19 about you," you know. "And I'm from New York, but you</p> <p>20 have this cop mentality." We're both law enforcement, 12:57:56</p> <p>21 and I like that about her.</p> <p>22 <b>Q. And -- and, in fact, in expressing that to her,</b></p> <p>23 <b>you, in fact, complimented her abilities as an</b></p> <p>24 <b>investigator?</b></p> <p>25 A. I did. 12:58:09</p> <p style="text-align: right;">Page 123</p>	<p>1 <b>of 2015, did you believe at the conclusion of that</b></p> <p>2 <b>meeting that things were good between you and</b></p> <p>3 <b>Ms. Dorsey?</b></p> <p>4 A. I never really felt there was any problems</p> <p>5 between me and Ms. Dorsey, to be honest with you. But 12:59:26</p> <p>6 I saw that regression, like, between her and</p> <p>7 Mr. Urquijo shortly thereafter.</p> <p>8 <b>Q. And regarding that, as you've described it --</b></p> <p>9 A. I'm sorry. Maybe you used the wrong word</p> <p>10 there, but I felt it went back to, you know, 12:59:43</p> <p>11 adversarial.</p> <p>12 <b>Q. And regarding the adversarial relationship</b></p> <p>13 <b>between Mr. Urquijo and Ms. Dorsey, did you ever get</b></p> <p>14 <b>them both in your office to try to sit and hash it out</b></p> <p>15 <b>and talk about it?</b> 01:00:04</p> <p>16 A. No.</p> <p>17 <b>Q. And regarding the perceived adversarial</b></p> <p>18 <b>relationship between Ms. Dorsey and Mr. Urquijo, did</b></p> <p>19 <b>you ever ask Ms. Dorsey her view as to why their</b></p> <p>20 <b>relationship was deteriorating?</b> 01:00:15</p> <p>21 A. I did not -- I'd like to qualify that answer</p> <p>22 because by this time she had filed an EEO on me. She</p> <p>23 had publically put out two eight-paged articles in --</p> <p>24 on the internet about me being a racist, and all these</p> <p>25 other articles. 01:00:32</p> <p style="text-align: right;">Page 125</p>

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**April 2, 2018**



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<p>1       <b>Q. As of September or October of 2015?</b></p> <p>2       A. My dates aren't exact, but I remember there was</p> <p>3 articles. Maybe that was later. And maybe I'm</p> <p>4 misstating that. So I know there was -- there was EEO</p> <p>5 matter that was being addressed. And there was 01:00:52</p> <p>6 feelings, like, I couldn't approach her at that point.</p> <p>7       <b>Q. Okay. And I understand.</b></p> <p>8       <b>But what I'm saying is, at the end of the</b></p> <p>9 <b>Come-to-Jesus meeting, which occurred --</b></p> <p>10 A. Yeah. 01:01:04</p> <p>11       <b>Q. -- in or around September or October of 2015,</b></p> <p>12 <b>did you feel that you and Ms. Dorsey had a good</b></p> <p>13 <b>relationship?</b></p> <p>14 A. It never -- I mean, that was just one meeting.</p> <p>15 It never went anywhere after that. Like, we -- we 01:01:18</p> <p>16 didn't have any conversation thereafter.</p> <p>17       <b>Q. I'm trying to get at it in a different way.</b></p> <p>18       <b>After the Come-to-Jesus meeting in September or</b></p> <p>19 <b>October of 2015, how would you have described your</b></p> <p>20 <b>relationship with Ms. Dorsey?</b> 01:01:37</p> <p>21 A. We didn't have one.</p> <p>22       <b>Q. At the conclusion of the Come-to-Jesus meeting</b></p> <p>23 <b>on September or October of 2015, do you believe that</b></p> <p>24 <b>you and Ms. Dorsey had a positive working relationship?</b></p> <p>25 A. I never really had a relationship to say, you 01:01:57</p> <p style="text-align: right;">Page 126</p>	<p>1       that what you want?</p> <p>2       MR. HILL: Yeah.</p> <p>3       THE WITNESS: Yeah.</p> <p>4       MR. HILL: I was going to wait until you were</p> <p>5 at a good -- 01:02:58</p> <p>6       THE WITNESS: Yeah.</p> <p>7       MR. HILL: -- stopping point.</p> <p>8       MR. BROWN: I appreciate that. Yeah. Okay.</p> <p>9       This is a good stopping point.</p> <p>10       THE WITNESS: Thank you. 01:03:01</p> <p>11       MR. BROWN: Why don't we stop for lunch.</p> <p>12       THE VIDEOGRAPHER: We are now going off camera.</p> <p>13       The time is 1:02 P.M.</p> <p>14       (Whereupon, at the hour of 1:02, a</p> <p>15 luncheon recess was taken. The</p> <p>16 deposition to be resumed at 2:00.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 128</p>
<p>1       know. The extent of my conversations with Ms. Dorsey</p> <p>2 was when I would go around to the -- the investigative</p> <p>3 side of the house and say "Good Morning." And at times</p> <p>4 she would answer me, and at times she wouldn't answer</p> <p>5 me. 01:02:16</p> <p>6       <b>Q. Okay.</b></p> <p>7       A. But I didn't put a lot of -- you know, people</p> <p>8 are different. Everyone's different, you know. Some</p> <p>9 people would acknowledge; other people wouldn't.</p> <p>10       <b>Q. Did you ever -- well, did you think that</b></p> <p>11 <b>Ms. Dorsey was antagonizing you and not responding</b></p> <p>12 <b>to --</b></p> <p>13 A. No, not me.</p> <p>14       MR. HILL: Let him finish his question.</p> <p>15       THE WITNESS: Yeah, sorry. 01:02:34</p> <p>16       MR. HILL: Take your time.</p> <p>17 BY MR. BROWN:</p> <p>18       <b>Q. And were there ever any situations where, when</b></p> <p>19 <b>you were supervisor, you would say hello to everyone in</b></p> <p>20 <b>the office and you would avoid saying hello to</b></p> <p>21 <b>Ms. Dorsey?</b> 01:02:44</p> <p>22 A. No.</p> <p>23       MS. DORSEY: When are you going to stop for</p> <p>24 lunch?</p> <p>25       MR. BROWN: I saw you look at your watch. Is 01:02:54</p> <p style="text-align: right;">Page 127</p>	<p>1       LOS ANGELES, CALIFORNIA; MONDAY, APRIL 2, 2018</p> <p>2       2:17 P.M.</p> <p>3</p> <p>4       FRANK CABIBI,</p> <p>5       having been previously duly sworn,</p> <p>6       was examined and testified as follows:</p> <p>7</p> <p>8       THE VIDEOGRAPHER: All right. We are now</p> <p>9 back on camera. The time is 2:17 P.M. 02:17:26</p> <p>10</p> <p>11       EXAMINATION</p> <p>12       MR. BROWN:</p> <p>13       <b>Q. All right. Mr. Cabibi, did you get a chance to</b></p> <p>14 <b>get something to eat?</b></p> <p>15 A. I did. Thank you. 02:17:34</p> <p>16       <b>Q. Good. Marvelous.</b></p> <p>17       <b>In order to orient you, when we left off, we</b></p> <p>18 <b>were talking about the three case files.</b></p> <p>19       <b>Do you recall that?</b></p> <p>20 A. Absolutely. 02:17:39</p> <p>21       <b>Q. Well, then we mentioned the two meetings that</b></p> <p>22 <b>you had with Ms. Dorsey. And I'm just going to ask you</b></p> <p>23 <b>a few quick questions about both of those meetings.</b></p> <p>24 A. Okay.</p> <p>25       <b>Q. All right.</b> 02:17:48</p> <p style="text-align: right;">Page 129</p>

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**April 2, 2018**

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<div>1           <b>And there was one that I, in using your words,</b></div> <div>2 <b>called the Come-to-Jesus meeting, which occurred in or</b></div> <div>3 <b>around September or October of 2015.</b></div> <div>4           A. Sometimes around there.</div> <div>5           <b>Q. Yes.</b> <span style="float: right;">02:17:57</span></div> <div>6           <b>And then the other one had to do with the</b></div> <div>7 <b>situation regarding a cubicle assignment; correct?</b></div> <div>8           A. Yes.</div> <div>9           <b>Q. Okay. I'm going to start with that one.</b></div> <div>10           <b>Do you recall about when that one occurred?</b> <span style="float: right;">02:18:09</span></div> <div>11           A. That had to have been much earlier. I don't</div> <div>12 recall a specific date.</div> <div>13           <b>Q. Let me see if I can possibly refresh your</b></div> <div>14 <b>recollection. See if I can give you a date. It might</b></div> <div>15 <b>refresh your recollection. Maybe it doesn't.</b> <span style="float: right;">02:18:25</span></div> <div>16           <b>Regarding the cubicle situation, do you recall</b></div> <div>17 <b>that that would have occurred towards the end of 2014?</b></div> <div>18           A. I -- I guess that could be, correct.</div> <div>19           <b>Q. Okay.</b></div> <div>20           <b>And regarding Mike Atkinson, would it be</b> <span style="float: right;">02:18:53</span></div> <div>21 <b>accurate to say that he retired towards the end of</b></div> <div>22 <b>2014?</b></div> <div>23           A. No.</div> <div>24           <b>Q. When did Mike Atkinson retire?</b></div> <div>25           A. July 31st of 2014. <span style="float: right;">02:19:04</span></div> <div style="text-align: right;">Page 130</div>	<div>1           <b>Q. Okay.</b></div> <div>2           <b>And then initially that, being Mr. Tillman and</b></div> <div>3 <b>-- Mr. Tillman and Ms. Dorsey came to your office, did</b></div> <div>4 <b>you speak to Ms. Dorsey in an angry tone and telling</b></div> <div>5 <b>her to leave your office?</b> <span style="float: right;">02:20:25</span></div> <div>6           A. I remember I -- I was mad at the way they were</div> <div>7 presenting or she was presenting, like, I want to talk</div> <div>8 about this, and the answer is yes.</div> <div>9           <b>Q. Okay.</b></div> <div>10           <b>And did you tell her explicitly to get out of</b> <span style="float: right;">02:20:37</span></div> <div>11 <b>your office?</b></div> <div>12           A. I don't remember saying that, no.</div> <div>13           <b>Q. Well, you don't remember saying it or you</b></div> <div>14 <b>didn't say it?</b></div> <div>15           A. I don't remember saying it. <span style="float: right;">02:20:50</span></div> <div>16           <b>Q. Okay.</b></div> <div>17           <b>Did you feel that Ms. Dorsey was disrespectful</b></div> <div>18 <b>to you when she came to your office regarding the</b></div> <div>19 <b>cubicle situation?</b></div> <div>20           A. I thought bringing Mr. Tillman, like -- almost, <span style="float: right;">02:21:06</span></div> <div>21 like, in hand. It was, like, "Why don't -- why don't</div> <div>22 you just come and talk to me about this?" No one had</div> <div>23 talked to me about this; so I thought it was odd.</div> <div>24           <b>Q. Well, do you know if he -- if -- if Ms. Dorsey</b></div> <div>25 <b>brought Mr. Tillman or if he decided to come on his</b> <span style="float: right;">02:21:24</span></div> <div style="text-align: right;">Page 132</div>
<div>1           <b>Q. Of 2014?</b></div> <div>2           A. Yeah.</div> <div>3           <b>Q. And regarding the cubicle -- what I'll call the</b></div> <div>4 <b>cubicle situation.</b></div> <div>5           <b>Do you know what I'm talking about?</b> <span style="float: right;">02:19:20</span></div> <div>6           A. Yes.</div> <div>7           <b>Q. All right.</b></div> <div>8           <b>And so then when Ms. Dorsey came to discuss</b></div> <div>9 <b>getting that -- the cubicle, that would have been</b></div> <div>10 <b>Mr. Atkinson's former cubicle -- correct? --</b> <span style="float: right;">02:19:30</span></div> <div>11           A. Correct.</div> <div>12           <b>Q. -- or his work space?</b></div> <div>13           <b>And when she came to have that discussion with</b></div> <div>14 <b>you, was she with Mr. Tillman?</b></div> <div>15           A. Yes, at first. <span style="float: right;">02:19:42</span></div> <div>16           <b>Q. And when you say "at first," did she at some</b></div> <div>17 <b>point come back to your office without Mr. Tillman to</b></div> <div>18 <b>discuss it?</b></div> <div>19           A. She came to my office with Mr. Tillman to</div> <div>20 discuss it, and I was busy with something else. And I <span style="float: right;">02:19:53</span></div> <div>21 asked them -- I says, "You know, please go back to your</div> <div>22 desk, and I'll call you. I don't need both of you here</div> <div>23 regarding a cubicle. I got some other stuff going on."</div> <div>24           I was having some big case stuff going on, and</div> <div>25 I think I just spoke to Ms. Dorsey about it afterwards. <span style="float: right;">02:20:08</span></div> <div style="text-align: right;">Page 131</div>	<div>1           <b>own --</b></div> <div>2           A. I don't know, but this is the way -- the</div> <div>3 impression I get.</div> <div>4           MR. HILL: You've got to allow him to finish</div> <div>5 his question. <span style="float: right;">02:21:27</span></div> <div>6           BY MR. BROWN:</div> <div>7           <b>Q. Only because I'm not sure if there -- if the</b></div> <div>8 <b>record is clear, I'll just ask that again.</b></div> <div>9           <b>Do you know for certain if Ms. Dorsey brought</b></div> <div>10 <b>Mr. Tillman to your office or if he came on his own</b> <span style="float: right;">02:21:38</span></div> <div>11 <b>accord?</b></div> <div>12           A. I don't know.</div> <div>13           <b>Q. And at some point, Ms. Dorsey did get that</b></div> <div>14 <b>cubicle or work area; correct?</b></div> <div>15           A. She did. <span style="float: right;">02:21:53</span></div> <div>16           <b>Q. Do you know about how much time elapsed between</b></div> <div>17 <b>the time that Ms. Dorsey and Mr. Tillman came to your</b></div> <div>18 <b>office and the time that she got the work space?</b></div> <div>19           A. How much time specifically, no.</div> <div>20           <b>Q. Generally, was it --</b> <span style="float: right;">02:22:09</span></div> <div>21           A. Enough time for me to speak to a couple of</div> <div>22 people about it.</div> <div>23           <b>Q. Who did you speak to about it?</b></div> <div>24           A. At the time Deputy Inspector General Alfred</div> <div>25 Rodas and someone out of union, but I don't remember <span style="float: right;">02:22:21</span></div> <div style="text-align: right;">Page 133</div>

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<p>1 who specifically at the union, representing the unit 2 that Mr. Tillman and Mr. -- Ms. Dorsey were part of. 3 <b>Q. Okay.</b> 4 <b>And so you said Alfred, A-I- --</b> 5 A. Rodas. 02:22:34 6 <b>Q. R-o-d-a-s.</b> 7 A. Correct. 8 <b>Q. Why did you speak to Mr. Rodas about the</b> 9 <b>cubicle situation?</b> 10 A. I felt he had a lot of experience having been 02:22:43 11 the former I.G. -- former dep- -- acting I.G. Maybe he 12 would have something to impart on me about a pattern -- 13 excuse me. A practice there. 14 <b>Q. And what did Mr. Rodas tell you regarding the</b> 15 <b>cubicle situation?</b> 02:23:04 16 A. I remember I asked questions related -- related 17 to the information Ms. -- Ms. Dorsey gave me; so I 18 wanted to, you know, just check with him. Say, "Hey, 19 what's the practice here?" And based on his answers, 20 you know, there was no specific practice that he could 02:23:21 21 relay to me. 22 I checked with someone else. And at that 23 point, decided that the sort of practice, even though 24 there was no practice, per se -- the practice was that 25 the most senior person would typically get it. 02:23:37 <p style="text-align: right;">Page 134</p></p>	<p>1 <b>described it, what did you tell Ms. Dorsey about her</b> 2 <b>performance as the -- as the A/C investigator?</b> 3 A. I don't know that that was a discussion. 4 <b>Q. Do you -- to your knowledge, have you ever had</b> 5 <b>a discussion with Ms. Dorsey about your opinion of her</b> 02:24:58 6 <b>as a senior investigator?</b> 7 A. No. 8 <b>Q. Why not?</b> 9 A. Well, because I didn't have any particular 10 problems with her investigative performance. 02:25:13 11 <b>Q. I see. Okay.</b> 12 <b>Because if you would have, then you --</b> 13 A. I would have addressed them. 14 <b>Q. With her; correct?</b> 15 MR. HILL: (Unintelligible.) 02:25:20 16 THE WITNESS: Yes. Yeah. 17 MR. HILL: (Unintelligible.) 18 THE WITNESS: Answer the question. 19 MR. HILL: Wait until he finishes the question. 20 Give him his opportunity. Count a thousand one, a 02:25:31 21 thousand two, maybe a thousand three after he stops 22 talking just to make sure because sometimes as 23 attorney, we pause during the questioning. 24 BY MR. BROWN: 25 <b>Q. Yeah, just to make sure we have a clear record.</b> 02:25:38 <p style="text-align: right;">Page 136</p></p>
<p>1 <b>Q. Is that Ms. Dorsey?</b> 2 A. Yes. 3 <b>Q. And is that why you decided to allow her to</b> 4 <b>move into the work space?</b> 5 A. Absolutely. I had nothing against her moving 02:23:47 6 in. I didn't even know she wanted it. 7 MR. HILL: Just answer his question. 8 BY MR. BROWN: 9 <b>Q. Now, let's talk about the -- what's been called</b> 10 <b>the Come-to-Jesus meeting.</b> 02:24:02 11 <b>At any time during that meeting, did you tell</b> 12 <b>Ms. Dorsey, in substance, that you saw things that she</b> 13 <b>didn't see because she was just a street cop?</b> 14 A. No. 15 <b>Q. And it was at that meeting -- I believe you</b> 02:24:19 16 <b>testified that you told her that you thought she was a</b> 17 <b>good investigator, but that things had changed in terms</b> 18 <b>of her performance?</b> 19 MR. HILL: I think it misstates the testimony. 20 THE WITNESS: I don't -- I don't know what 02:24:31 21 specifically. 22 BY MR. BROWN: 23 <b>Q. Okay.</b> 24 <b>What I'll ask you is this: Generally, during</b> 25 <b>the Come-to-Jesus meeting, as you've -- as you've</b> 02:24:40 <p style="text-align: right;">Page 135</p></p>	<p>1 <b>Because if you would have had any problems with</b> 2 <b>Ms. Dorsey's performance as an investigator, you would</b> 3 <b>have come to her with those problems; correct?</b> 4 A. I'm not sure that's the question, but... 02:25:58 5 <b>Q. If you're not sure, then let me do it again</b> 6 <b>because I want to make sure that you're sure. All</b> 7 <b>right.</b> 8 <b>If you would have had problems with</b> 9 <b>Ms. Dorsey's competence as an investigator, would you</b> 10 <b>have addressed those issues with her?</b> 02:26:09 11 MR. HILL: Vague as to time. 12 BY MR. BROWN: 13 <b>Q. During the time that she was a senior</b> 14 <b>investigator in -- at the O.I.G.?</b> 15 A. Yes. 02:26:24 16 <b>Q. Why?</b> 17 A. Well, if I was her first line supervisor and I 18 had a problem that I saw a flagrant disregard for the 19 work or the performance, then I would bring that to 20 her. And as you noticed on the appraisal, I didn't 02:26:40 21 have a problem with her. 22 <b>Q. I did notice that.</b> 23 <b>And so then even as her second line supervisor,</b> 24 <b>if you had knowledge of any performance deficiencies</b> 25 <b>upon Ms. Dorsey's part, would you have addressed those</b> 02:26:55 <p style="text-align: right;">Page 137</p></p>

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<p>1 <b>with her in order to help her be the very best</b></p> <p>2 <b>investigator that she could be?</b></p> <p>3 A. To be perfectly honest, once Mr. Urquijo became</p> <p>4 her supervisor, I was inundated with work -- other</p> <p>5 work, including Board work -- work with the Board and 02:27:10</p> <p>6 other matters that caused me to move away from having</p> <p>7 direct knowledge. So I was leaving that up -- that up</p> <p>8 to the supervisor.</p> <p>9 <b>Q. Okay. Thank you.</b></p> <p>10 <b>I believe you testified earlier this morning 02:27:29</b></p> <p>11 <b>that Ms. McGuire was not assigned a laptop computer; is</b></p> <p>12 <b>that correct?</b></p> <p>13 A. I believe that's the truth.</p> <p>14 <b>Q. Did -- how did Ms. McGuire perform her work</b></p> <p>15 <b>duties as an investigator without an assigned computer? 02:27:51</b></p> <p>16 A. She had a desktop.</p> <p>17 <b>Q. So did Ms. Kress?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. And so did Ms. De Los Santos?</b></p> <p>20 A. Yes. 02:28:06</p> <p>21 <b>Q. Now, we're going to go back to the events in</b></p> <p>22 <b>early January regarding the three case files.</b></p> <p>23 <b>Are you with me?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. And just by way of car -- clarification, you 02:28:18</b></p> <p style="text-align: right;">Page 138</p>	<p>1 the D.A.'s office. The other one -- I felt, like, at</p> <p>2 least that's at a place where a decision is going to be</p> <p>3 made, and I can call the D.A. myself and figure out.</p> <p>4 The other matter I had no idea where it was</p> <p>5 going other than what Mr. Urquijo was call -- you know, 02:29:59</p> <p>6 was telling me.</p> <p>7 <b>Q. And for that third case, that would have been</b></p> <p>8 <b>the Mylene Garcia case?</b></p> <p>9 A. Yeah. And I never looked at that case file.</p> <p>10 <b>Q. And -- but when you looked it up on Time 02:30:13</b></p> <p>11 <b>Matters, before going into Ms. Dorsey's credenza, was</b></p> <p>12 <b>there a failure to update that case as well?</b></p> <p>13 A. I don't remember specifically.</p> <p>14 <b>Q. This is going to be an example of me knowing</b></p> <p>15 <b>that I've asked you a question, but I cannot remember 02:30:34</b></p> <p>16 <b>what your answer is.</b></p> <p>17 A. Okay.</p> <p>18 <b>Q. Is it accurate to say that, during the entire</b></p> <p>19 <b>time that you were involved in Ms. Dorsey's</b></p> <p>20 <b>supervision, that you never administered any discipline 02:30:48</b></p> <p>21 <b>to her?</b></p> <p>22 A. I believe you've asked that question before</p> <p>23 differently, but there was a notice of -- a notice that</p> <p>24 was sent to her from -- that we work with staff</p> <p>25 relations on -- after January of 2016. 02:31:13</p> <p style="text-align: right;">Page 140</p>
<p>1 <b>mentioned that, when you, after going into Ms. Dorsey's</b></p> <p>2 <b>locked credenza, you physically took a look at the</b></p> <p>3 <b>Coaloe file to look for the -- any notes regarding the</b></p> <p>4 <b>interview that Ms. Dorsey and Mr. Urquijo had done</b></p> <p>5 <b>thereabouts October of 2015; correct? 02:28:44</b></p> <p>6 A. Yes.</p> <p>7 <b>Q. And you did that because you didn't see that</b></p> <p>8 <b>reflected when you looked on Time Matters; is that</b></p> <p>9 <b>right?</b></p> <p>10 A. Two reasons. That's one reason. 02:28:55</p> <p>11 <b>Q. Okay. What's the other one?</b></p> <p>12 A. The other reason was I can get -- Mr. Urquijo</p> <p>13 couldn't remember specifically what was the outcome of</p> <p>14 the interview, and we were looking for those notes to</p> <p>15 have some recollection. 02:29:12</p> <p>16 <b>Q. Okay. Thank you.</b></p> <p>17 <b>And then regarding the Wright case, when you</b></p> <p>18 <b>looked on Time Matters, was there a failure to update</b></p> <p>19 <b>that case as well?</b></p> <p>20 A. There was no updates since bringing over a 02:29:25</p> <p>21 report to the prosecutor.</p> <p>22 <b>Q. Given that, is there a reason why you did not</b></p> <p>23 <b>take a look through the Anthony Wright case once you</b></p> <p>24 <b>opened Ms. Dorsey's locked credenza?</b></p> <p>25 A. Because I knew that that case was at least at 02:29:43</p> <p style="text-align: right;">Page 139</p>	<p>1 <b>Q. Okay. I'll ask it just a little bit</b></p> <p>2 <b>differently.</b></p> <p>3 A. Okay.</p> <p>4 <b>Q. Between May of 2014 and January 7th of 2016,</b></p> <p>5 <b>had you ever administered any discipline to Ms. Dorsey? 02:31:29</b></p> <p>6 A. No. I don't believe so.</p> <p>7 <b>Q. Between May of 2014 and January 7th of 2016,</b></p> <p>8 <b>had you ever counselled Ms. Dorsey with respect to any</b></p> <p>9 <b>aspect of the performance of her duties as a senior</b></p> <p>10 <b>investigator? 02:31:50</b></p> <p>11 A. Counsellor unofficially during our what you --</p> <p>12 you're calling the Come-to-Jesus meeting. We had a</p> <p>13 very plain conversation where she said, "I wished I had</p> <p>14 come to you before regarding the cubicle so we could</p> <p>15 have gotten over it and we could have worked together 02:32:10</p> <p>16 better." That's what I mean by saying Coming to Jesus.</p> <p>17 And that was, like, "I wish you did because I</p> <p>18 don't have any problems with you."</p> <p>19 <b>Q. Okay.</b></p> <p>20 <b>Only because I'm not sure I got a direct answer 02:32:21</b></p> <p>21 <b>to the question, I'll just try one more time.</b></p> <p>22 A. Sure.</p> <p>23 <b>Q. Between May 1st of 2014 and January 7th of</b></p> <p>24 <b>2016, did you ever counsel Ms. Dorsey regarding any</b></p> <p>25 <b>perceived deficiencies in her performance as a senior 02:32:37</b></p> <p style="text-align: right;">Page 141</p>

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<div>1 investigator?</div> <div>2 A. I can't recall a specific incident other than</div> <div>3 that meeting. I mean, we never had any official</div> <div>4 meetings. Just that one meeting where, you know, I</div> <div>5 said, "Look, I know you know I want to do things a 02:32:56</div> <div>6 little bit different than they were done before." I --</div> <div>7 my -- I can only go on my experience, and my experience</div> <div>8 tells me to do things this way, and you'll get positive</div> <div>9 outcomes.</div> <div>10 And so we had a very good conversation where I 02:33:11</div> <div>11 thought it was a good conversation, and she made that</div> <div>12 comment. I don't know if you want to call that, you</div> <div>13 know -- it wasn't -- I don't remember saying anything</div> <div>14 wrong about her work at that time.</div> <div>15 Q. So that -- okay. 02:33:25</div> <div>16 And so that comment you're saying Ms. Dorsey</div> <div>17 made having to do with her saying that she wished she</div> <div>18 would have talked to you or approached -- she would</div> <div>19 have talked to you about the cubicle beforehand.</div> <div>20 That's a "Yes"? 02:33:39</div> <div>21 A. Yes.</div> <div>22 MR. HILL: You have --</div> <div>23 THE WITNESS: Sorry.</div> <div>24 MR. HILL: -- to be audible.</div> <div>25 THE WITNESS: Yes. Sorry. I know. Sorry. 02:33:43</div> <div>Page 142</div>	<div>1 stuff that you wrote.</div> <div>2 A. Okay.</div> <div>3 Q. All right. Taking a look at Exhibit 103, this</div> <div>4 is an e-mail. Look at the first page that you prepared</div> <div>5 on January 7th of 2016; correct? 02:40:09</div> <div>6 A. Yes.</div> <div>7 Q. And it gives an account of what -- what</div> <div>8 occurred with those three files of Ms. Dorsey over a</div> <div>9 three-day period; is that right?</div> <div>10 A. Yes. 02:40:23</div> <div>11 Q. And so then, just by way of refreshing your</div> <div>12 recollection, if on -- we know that you sent Ms. Dorsey</div> <div>13 home on January 7th of 2016; is that right?</div> <div>14 A. Yes.</div> <div>15 Q. So then if that was January 7th, then if we 02:40:37</div> <div>16 look at the first page, the day when you first started</div> <div>17 -- when you first saw those files, that would have been</div> <div>18 January 4th; is that correct?</div> <div>19 A. Yeah, Monday.</div> <div>20 Q. Yes. Monday, January 4th -- 02:40:54</div> <div>21 A. Uh-huh.</div> <div>22 Q. -- of 2016?</div> <div>23 A. Yeah. Yes.</div> <div>24 Q. All right.</div> <div>25 So taking a look -- I'm not going to go through 02:41:00</div> <div>Page 144</div>
<div>1 BY MR. BROWN:</div> <div>2 Q. And so then regarding that Come-to-Jesus</div> <div>3 meeting, did you -- you perceived that specific meeting</div> <div>4 as positive at its conclusion?</div> <div>5 A. Very. 02:33:54</div> <div>6 MR. BROWN: All right. I am going to -- I am</div> <div>7 going to show you what I'm going to mark as</div> <div>8 Exhibit 103.</div> <div>9 (Plaintiff's Exhibit 103 was marked</div> <div>10 for identification.) 02:34:09</div> <div>11 BY MR. BROWN:</div> <div>12 Q. And what I'll do, Mr. Cabibi, is I'm going to</div> <div>13 give you a chance to read this. And when you're done,</div> <div>14 you just let he know that you're finished and that</div> <div>15 you're ready for questions. 02:34:22</div> <div>16 That's for you.</div> <div>17 A. (Witness complies.)</div> <div>18 Okay. Oh, there's more.</div> <div>19 Q. Actually, that part --</div> <div>20 A. These are my notes. 02:39:45</div> <div>21 Q. Yeah. Well, that wasn't written by you; so...</div> <div>22 A. Oh.</div> <div>23 Q. Of course, you're free to review it.</div> <div>24 A. That's wasn't written by me.</div> <div>25 Q. Yeah. I'm only going to ask you about the 02:39:59</div> <div>Page 143</div>	<div>1 every sentence, but it says:</div> <div>2 "In brief, at the start of" --</div> <div>3 that should say "each month,</div> <div>4 "Mr. Urquijo and I worked on</div> <div>5 composing a list of 02:41:13</div> <div>6 case/investigations assigned to staff</div> <div>7 and their progression for the Board</div> <div>8 members review."</div> <div>9 Did I read that correctly?</div> <div>10 A. Yes. 02:41:21</div> <div>11 Q. So regarding the Board members review, what are</div> <div>12 you referring to?</div> <div>13 A. Do a list of cases, and let them know what the</div> <div>14 updates are on the cases.</div> <div>15 Q. And how often would you -- 02:41:30</div> <div>16 A. Monthly.</div> <div>17 Q. Was there a specific day of the month that</div> <div>18 would be done?</div> <div>19 A. Beginning of the month. Oh, no. Actually,</div> <div>20 it's to the end of the month, but then we give it at 02:41:42</div> <div>21 the beginning of the month, if that makes sense,</div> <div>22 depending on the weekend.</div> <div>23 Q. And would that include closed cases?</div> <div>24 A. Any cases.</div> <div>25 Q. Okay. 02:41:54</div> <div>Page 145</div>

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<p>1 A. Any cases -- excuse me. Can I correct that?</p> <p>2 <b>Q. Yes.</b></p> <p>3 A. Any cases closed that month and case updates on</p> <p>4 the open ones.</p> <p>5 <b>Q. And so then based on this paragraph -- it's not</b> 02:42:06</p> <p>6 <b>to be too redundant -- it was on January -- Monday</b></p> <p>7 <b>January 4th where you and Mr. Urquijo accessed</b></p> <p>8 <b>Ms. Dorsey's locked credenza, and you saw three files</b></p> <p>9 <b>in her case?</b></p> <p>10 A. I'm sorry. I didn't catch the beginning of 02:42:29</p> <p>11 that question.</p> <p>12 <b>Q. Certainly.</b></p> <p>13 <b>On Monday, January 4th of 2016, you and</b></p> <p>14 <b>Mr. Urquijo -- Urquijo opened Ms. Dorsey's locked</b></p> <p>15 <b>credenza, and you saw three files contained in the</b> 02:42:41</p> <p>16 <b>credenza; correct?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And it would have been on Monday, January 4th</b></p> <p>19 <b>of 2016 where you took the Coaloa case and you looked</b></p> <p>20 <b>for the -- any interview statement or notes regarding</b> 02:42:57</p> <p>21 <b>that last interview that was conducted by Ms. Dorsey</b></p> <p>22 <b>and Mr. Urquijo?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. So where it says, "Looking for information</b></p> <p>25 <b>included in the Board report, we reviewed one file,"</b> 02:43:18</p> <p style="text-align: right;">Page 146</p>	<p>1 A. Correct.</p> <p>2 <b>Q. Then it says:</b></p> <p>3 <b>"Later in the morning, Ms. Dorsey</b></p> <p>4 <b>was asked if she had secured all her</b></p> <p>5 <b>files in her secured file -- it says</b> 02:44:19</p> <p>6 <b>"draw" -- as requested. She ensured</b></p> <p>7 <b>Mr. Urquijo she had; however, Mr.</b></p> <p>8 <b>Urquijo had already checked and knew</b></p> <p>9 <b>she had not."</b></p> <p>10 <b>Did I read that correctly?</b> 02:44:31</p> <p>11 A. Yes.</p> <p>12 <b>Q. Were you present when Mr. Urquijo allegedly</b></p> <p>13 <b>asked her to put those three files in the Fire King?</b></p> <p>14 A. No.</p> <p>15 <b>Q. He just told you that that's what he did?</b> 02:44:42</p> <p>16 A. Yes.</p> <p>17 <b>Q. And then it said:</b></p> <p>18 <b>"A discussion ensued between the</b></p> <p>19 <b>two, and Mr. Urquijo, trying to</b></p> <p>20 <b>de-escalate the discussion, left the</b> 02:44:54</p> <p>21 <b>area to report the incident to me."</b></p> <p>22 <b>Did I read that correctly?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And when you say that Mr. Urquijo was trying to</b></p> <p>25 <b>de-escalate the discussion, what do you mean by that?</b> 02:45:04</p> <p style="text-align: right;">Page 148</p>
<p>1 <b>that's referring to the Debra Coaloa case; is that</b></p> <p>2 <b>correct?</b></p> <p>3 A. I'm assuming.</p> <p>4 <b>Q. Then looking at the first paragraph on the next</b></p> <p>5 <b>page with the Bates stamped No. L.A.U.S.D. 3250, it</b> 02:43:33</p> <p>6 <b>says "on Tuesday morning."</b></p> <p>7 <b>Do you see that?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. So then that would have been the morning of</b></p> <p>10 <b>January 5th; is that correct?</b> 02:43:44</p> <p>11 A. Yes.</p> <p>12 <b>Q. So it says:</b></p> <p>13 <b>"Ms. Urquijo" -- "Mr. Urquijo</b></p> <p>14 <b>instructed Ms. Dorsey to ensure that</b></p> <p>15 <b>all her case files were housed in her</b> 02:43:51</p> <p>16 <b>assigned secured file -- it says</b></p> <p>17 <b>'draw.'"</b></p> <p>18 <b>That should be "drawer"; is that correct?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. Aside from that, did I read that correctly?</b> 02:44:00</p> <p>21 A. I didn't read word for word while you were</p> <p>22 reading it, but yes.</p> <p>23 <b>Q. Okay.</b></p> <p>24 <b>And so when we talk about her secured file</b></p> <p>25 <b>drawer, you're talking about the Fire King?</b> 02:44:14</p> <p style="text-align: right;">Page 147</p>	<p>1 A. That's what he told me.</p> <p>2 <b>Q. Did you ask him what he meant by "de-escalate</b></p> <p>3 <b>the situation"?</b></p> <p>4 A. Just that he was trying not to aggravate the</p> <p>5 situation. Like, why -- you know, she says they're in 02:45:19</p> <p>6 the drawer. He knew they weren't in the drawer.</p> <p>7 <b>Q. Did he suggestion to you that she had become</b></p> <p>8 <b>angry or irate?</b></p> <p>9 A. I can't recall that at this time.</p> <p>10 <b>Q. Then it says:</b> 02:45:31</p> <p>11 <b>"I instructed him to let it go</b></p> <p>12 <b>until after lunch, at which time I</b></p> <p>13 <b>would assist him in getting the issue</b></p> <p>14 <b>resolved."</b></p> <p>15 <b>Did I read that correctly?</b> 02:45:44</p> <p>16 A. Yes.</p> <p>17 <b>Q. What did you plan to do to help Mr. Urquijo</b></p> <p>18 <b>resolve the situation?</b></p> <p>19 A. Maybe look in the drawer first. Make sure that</p> <p>20 they were supposed to be -- they were where they were 02:45:57</p> <p>21 supposed to be. And maybe ask her as to their</p> <p>22 whereabouts. And if she said that they were in the</p> <p>23 drawer, then please point them out? Where are they?</p> <p>24 <b>Q. And so then where was your office in relation</b></p> <p>25 <b>to Ms. Dorsey's cubicle as of --</b> 02:46:10</p> <p style="text-align: right;">Page 149</p>

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**April 2, 2018**

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<div>1 A. Basically --</div> <div>2 <b>Q. -- well, as of January 5th of 2016?</b></div> <div>3 A. Yes. Approximately, where the elevator is in</div> <div>4 this building; so about -- I don't know. 400 feet</div> <div>5 away. 300 feet away. 02:46:24</div> <div>6 <b>Q. Is there a reason why you didn't just go with</b></div> <div>7 <b>Mr. Urquijo at the time that he told you he was trying</b></div> <div>8 <b>to de-escalate the discussion?</b></div> <div>9 <b>To just go to her cubicle and collect the three</b></div> <div>10 <b>files?</b> 02:46:39</div> <div>11 A. I don't know at this time, but I -- I'm</div> <div>12 possibly busy with other things.</div> <div>13 <b>Q. And it says:</b></div> <div>14 <b>"After lunch, we returned to</b></div> <div>15 <b>Ms. Dorsey work space to find out</b> 02:46:46</div> <div>16 <b>that she was not at her desk."</b></div> <div>17 <b>Did I read that correctly?</b></div> <div>18 A. Yes.</div> <div>19 <b>Q. "We decided to wait for her</b></div> <div>20 <b>return, but after not returning to</b> 02:46:55</div> <div>21 <b>work the remainder of the work day</b></div> <div>22 <b>and having no notice of her</b></div> <div>23 <b>whereabouts, I asked Mr. Urquijo to</b></div> <div>24 <b>go and retrieve the three case files</b></div> <div>25 <b>and to secure them in his office</b> 02:47:04</div> <div>Page 150</div>	<div>1 <b>Did I read that correctly?</b></div> <div>2 A. Yes.</div> <div>3 <b>Q. And did she inform Mr. Urquijo via e-mail or</b></div> <div>4 <b>telephone?</b></div> <div>5 A. I don't -- I don't remember that at this point. 02:48:32</div> <div>6 <b>Q. Do you know if Mr. Urquijo -- once he received</b></div> <div>7 <b>that notification, do you know if Mr. Urquijo tried to</b></div> <div>8 <b>ask her about the location of those files?</b></div> <div>9 A. I don't know.</div> <div>10 <b>Q. Did you ask Mr. Urquijo if he tried to find out</b> 02:48:46</div> <div>11 <b>the location of those files after she notified him that</b></div> <div>12 <b>she was going to be out sick all day on January 6th of</b></div> <div>13 <b>2016?</b></div> <div>14 A. I don't know, but my impression is that she</div> <div>15 called in sick. 02:49:02</div> <div>16 <b>Q. And when you say Ms. Dorsey informed her</b></div> <div>17 <b>supervisor, you're referring to Mr. Jorge Urquijo;</b></div> <div>18 <b>correct?</b></div> <div>19 A. Yes.</div> <div>20 <b>Q. And it says: "During discussions with</b> 02:49:13</div> <div>21 <b>Inspector General Bramlett -- before I get to that, do</b></div> <div>22 <b>you have access to Ms. Dorsey's home phone number?</b></div> <div>23 A. Yes, I believe so.</div> <div>24 <b>Q. Did you -- did you ever attempt to call her at</b></div> <div>25 <b>home in order to find out where those files were?</b> 02:49:32</div> <div>Page 152</div>
<div>1 <b>space."</b></div> <div>2 <b>Did I read that correctly?</b></div> <div>3 A. Yes.</div> <div>4 <b>Q. How long did you wait for Ms. Dorsey to return?</b></div> <div>5 A. To -- the end of her workday. 02:47:11</div> <div>6 <b>Q. And what was the end of her workday on</b></div> <div>7 <b>January 5th of 2016?</b></div> <div>8 A. If I remember correctly, it started at 6:30.</div> <div>9 So nine -- nine hours or nine and a half hours after</div> <div>10 that. So around 4:00. Maybe 3:30, 4:00. I don't</div> <div>11 know. 02:47:30</div> <div>12 <b>Q. And when you came to her desk, do you remember</b></div> <div>13 <b>about what time it was? And I'm talking about on</b></div> <div>14 <b>Tuesday, January 5th of 2016.</b></div> <div>15 A. Sometime after lunch. I can't be specific. 02:48:04</div> <div>16 <b>Q. You can't pin it down anymore --</b></div> <div>17 A. No.</div> <div>18 <b>Q. -- than that?</b></div> <div>19 A. No.</div> <div>20 <b>Q. All right.</b> 02:48:11</div> <div>21 <b>So then it says:</b></div> <div>22 <b>"On Wednesday approximately one</b></div> <div>23 <b>hour after start time, Ms. Dorsey</b></div> <div>24 <b>informed her supervisor that she</b></div> <div>25 <b>would be out sick all day."</b> 02:48:23</div> <div>Page 151</div>	<div>1 A. No.</div> <div>2 <b>Q. Did you ever direct Mr. Urquijo to call her at</b></div> <div>3 <b>home to find out where those files were?</b></div> <div>4 A. No.</div> <div>5 <b>Q. In terms of you wanting those files to be</b> 02:49:43</div> <div>6 <b>secured, did you consider that to be an urgent matter</b></div> <div>7 <b>as of January 6th of 2016?</b></div> <div>8 A. I'm sorry. Can you restate that?</div> <div>9 <b>Q. Certainly.</b></div> <div>10 <b>As of January 20th -- as of January 6th of</b> 02:49:56</div> <div>11 <b>2016, did you consider it to be an urgent matter your</b></div> <div>12 <b>retrieving those three case files?</b></div> <div>13 A. I was concerned that Mr. Urquijo told me that</div> <div>14 he couldn't find the files we had just seen the day</div> <div>15 before, yes. And I went with him to the drawer. I</div> <div>16 says, "Are you sure?" 02:50:16</div> <div>17 And we actually did an extensive search, like,</div> <div>18 behind the drawer, you know, in case they fell over. I</div> <div>19 was looking out for her best interest. I'm, like, I</div> <div>20 couldn't believe it. 02:50:28</div> <div>21 MR. HILL: Just answer his question, Frank.</div> <div>22 THE WITNESS: Sorry.</div> <div>23 BY MR. BROWN:</div> <div>24 <b>Q. And when you say you were looking out for her</b></div> <div>25 <b>best interest, you're referring to Ms. Dorsey?</b> 02:50:35</div> <div>Page 153</div>

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**Frank Cabibi**  
**April 2, 2018**

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<p>1 A. Yes.</p> <p>2 <b>Q. And what do you mean when you say that?</b></p> <p>3 A. Well, I -- I mean, I didn't understand it. I</p> <p>4 hope she had the files. Maybe she was updating them at</p> <p>5 home. Maybe -- you know, I didn't conceive that they 02:50:45</p> <p>6 could be missing.</p> <p>7 <b>Q. When you say "updating them at home," what do</b></p> <p>8 <b>you mean?</b></p> <p>9 A. Well, let's say you didn't get all of your work</p> <p>10 done. Take your file and get it up-to-date, you know. 02:50:55</p> <p>11 You have your laptop. You have -- you know, you can do</p> <p>12 your work, come back in, print it out, put it</p> <p>13 altogether, and then show it. Here's a completed file.</p> <p>14 <b>Q. Was it permissible for investigators to take</b></p> <p>15 <b>files to their home?</b> 02:51:11</p> <p>16 A. No.</p> <p>17 <b>Q. To your knowledge, had Ms. Dorsey ever taken an</b></p> <p>18 <b>O.I.G. file to her home?</b></p> <p>19 A. Not that I know of.</p> <p>20 <b>Q. And would that have been something that you</b> 02:51:22</p> <p>21 <b>would have expressed to her was improper to take an</b></p> <p>22 <b>O.I.G. file to her home?</b></p> <p>23 A. I don't know about that was even on my mind.</p> <p>24 <b>Q. All right.</b></p> <p>25 <b>Then it says:</b> 02:51:40</p> <p style="text-align: right;">Page 154</p>	<p>1 A. There was a lot of circumstance happening that</p> <p>2 year dating back to March of 2015. I mean, I don't</p> <p>3 know if it was that early, but sometime around the</p> <p>4 summer when EEO that she had filed against -- I think,</p> <p>5 it was just me. I'm not sure, but, you know. And just 02:52:54</p> <p>6 -- just constant stuff that was happening.</p> <p>7 And she was taking a lot of -- a lot of time</p> <p>8 off. And then a couple of incidents that occurred</p> <p>9 later in the year. Specifically, I want to say</p> <p>10 October 28th a particular incident that I felt I -- 02:53:13</p> <p>11 that happened specifically to me where I know at this</p> <p>12 point she had lied.</p> <p>13 And so I -- you know, at that point, I'm</p> <p>14 looking into it more, like, "What's going on?" Not --</p> <p>15 when I was asking about the cases being updated, it 02:53:35</p> <p>16 wasn't just her cases. It was everybody's cases, you</p> <p>17 know. And that was a regular occurrence.</p> <p>18 But, you know too, and I do remember an e-mail</p> <p>19 regarding the updates to the four cases. Like, why</p> <p>20 would you just update your supervisor on these four 02:53:52</p> <p>21 cases when you -- if you look at Time Matters, you see</p> <p>22 you're assigned seven cases, you know, or at least</p> <p>23 address "Hey, these are closed" or "This is at the</p> <p>24 D.A.'s office," you know.</p> <p>25 So my -- my thing was she just -- 02:54:08</p> <p style="text-align: right;">Page 156</p>
<p>1 <b>"On Wednesday approximately one</b></p> <p>2 <b>hour after start time, Ms. Dorsey</b></p> <p>3 <b>informed her supervisor she would be</b></p> <p>4 <b>out sick all day.</b></p> <p>5 <b>"During discussions with Inspector</b> 02:51:50</p> <p>6 <b>General Bramlett about the files and</b></p> <p>7 <b>the fact they were not in the office</b></p> <p>8 <b>space and knowing Mr. Bramlett was</b></p> <p>9 <b>meeting with the general counsel, I</b></p> <p>10 <b>asked that he discuss the situation.</b> 02:52:00</p> <p>11 <b>"And the fact I wanted to take</b></p> <p>12 <b>action, not only because of this</b></p> <p>13 <b>incident, but due to her constant</b></p> <p>14 <b>leave of absence, either for sick and</b></p> <p>15 <b>vacation time, and her lack of work,</b> 02:52:12</p> <p>16 <b>insolence, and insubordination."</b></p> <p>17 <b>Did I read that correctly?</b></p> <p>18 A. You did.</p> <p>19 <b>Q. All right.</b></p> <p>20 <b>So then as of January -- January 6 of 2016, you</b> 02:52:21</p> <p>21 <b>believed Ms. Dorsey to be insolent; correct?</b></p> <p>22 A. That's what I wrote.</p> <p>23 <b>Q. Okay.</b></p> <p>24 <b>And what -- why did you believe that Ms. Dorsey</b></p> <p>25 <b>was insolent as of January 6th of 2016?</b> 02:52:32</p> <p style="text-align: right;">Page 155</p>	<p>1 MR. HILL: Make sure you answer his question.</p> <p>2 He was asking what events made you believe she</p> <p>3 was insolent as of January 6, 2016. I believe that was</p> <p>4 the question.</p> <p>5 MR. BROWN: That was the question. 02:54:23</p> <p>6 THE WITNESS: It's all of these factors</p> <p>7 together.</p> <p>8 BY MR. BROWN:</p> <p>9 <b>Q. Including the fact that she had filed a</b></p> <p>10 <b>complaint against you?</b> 02:54:29</p> <p>11 A. Well, not that I was taking that personally,</p> <p>12 but I felt -- and I have -- I have no problem with</p> <p>13 people, you know, feeling they can file whatever they</p> <p>14 need to file.</p> <p>15 I, you know, followed protocol. I answered all 02:54:38</p> <p>16 the questions, and I thought the matter was addressed,</p> <p>17 you know. And then we had a, as we described it,</p> <p>18 Come-to-Jesus thing way after; right? But she</p> <p>19 reverted, like, a week after not coming in anymore, you</p> <p>20 know. 02:54:50</p> <p>21 She -- she -- all of a sudden, you know, she's</p> <p>22 off all of these days. And all of a sudden, on</p> <p>23 October 28th had a personal incident where I felt, you</p> <p>24 know, she's lying, you know.</p> <p>25 Here she's going on Dr. Drew show because I saw 02:55:08</p> <p style="text-align: right;">Page 157</p>

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<p>1 her at home when I got home. She's wearing the same 2 clothes she was that day. I looked at the podcast. I 3 listened to the podcast. So she's off during the 4 middle of the day. I'm, like, here's --- I have one of 5 my investigators lying to me directly. 02:55:23 6 <b>Q. What did she lie to you about regarding --</b> 7 <b>well, first --</b> 8 A. Her time. 9 <b>Q. Okay.</b> 10 A. Her time at work. 02:55:30 11 MR. HILL: Let -- let him finish the question. 12 BY MR. BROWN: 13 <b>Q. Yeah, exactly, because you've -- you've given</b> 14 <b>me a lot of information regarding the insolence.</b> 15 A. Sorry, Mr. Brown. 02:55:36 16 <b>Q. No, no. You have nothing to apologize for.</b> 17 <b>So regarding the insolence, one of the things</b> 18 <b>--</b> 19 A. Can we take a break for a second? 20 <b>Q. We most certainly can.</b> 02:55:44 21 A. Thank you. 22 <b>Q. Sure.</b> 23 THE VIDEOGRAPHER: Okay. We are now going off 24 camera. The time is 2:55 P.M. 25 (Off the record.) 02:59:47 <p style="text-align: right;">Page 158</p></p>	<p>1 <b>Mr. Urquijo had told you about problems that he was</b> 2 <b>having directly supervising Ms. Dorsey; correct?</b> 3 A. Actually, there were e-mail responses to 4 requests he had made of her, and then in her response, 5 sometimes she would include me in the e-mails. 03:01:16 6 <b>Q. But did you and Mr. Urquijo ever have a</b> 7 <b>face-to-face conversation regarding problems or issues</b> 8 <b>that he claimed he was having supervising Ms. Dorsey?</b> 9 A. Yes. 10 <b>Q. And did you and Ms. Dorsey ever have any</b> 03:01:30 11 <b>face-to-face conversations regarding any issues that</b> 12 <b>she was having in being supervised by Mr. Urquijo?</b> 13 A. I can't specifically recall a face-to-face 14 between me and her. 15 <b>Q. Now, when you use the word "insubordination" in</b> 03:01:48 16 <b>that paragraph, what had Ms. Dorsey done as of</b> 17 <b>January 6 of 2016, that where she was being</b> 18 <b>insubordinate?</b> 19 A. Specifically, I remember one incident, but I 20 can't recall all the incidents. One incident where she 03:02:08 21 would not work on a group of cases assigned to her. 22 And another incident was specifically -- I'm not sure 23 if it was the same assignment or another assignment of 24 charter due diligence investigations. 25 <b>Q. Okay. Got it.</b> 03:02:26 <p style="text-align: right;">Page 160</p></p>
<p>1 THE VIDEOGRAPHER: We are now back on camera. 2 The time is 2:59 P.M. 3 BY MR. BROWN: 4 <b>Q. All right. Mr. Cabibi, are you ready to</b> 5 <b>resume?</b> 02:59:56 6 A. Sure. 7 <b>Q. Okay.</b> 8 A. Thank you for that break. 9 <b>Q. Of course. Like I said, any time you need one.</b> 10 <b>Now, getting back to the question regarding why</b> 03:00:03 11 <b>you believed Ms. Dorsey was insolent as of January 6th</b> 12 <b>of 2017. And you had a lot to say about it; so I'm</b> 13 <b>going to try to break it down. Okay.</b> 14 <b>One reason I thought you mentioned is because</b> 15 <b>she had filed a EEO complaint against you; is that</b> 03:00:24 16 <b>correct?</b> 17 A. If I said that, I misstated. What I'm saying 18 is there's a lot of occurrences. A lot of things that 19 have happened that year. So I -- I can't specifically 20 now detail for you why I used the word "insolence," but 03:00:39 21 there's a lot of things that happened. 22 And a lot of matters that I had to read between 23 her addressing issues with Mr. Urquijo and e-mails, 24 some of which she had forwarded to me and Mr. Bramlett. 25 <b>Q. And those have been situations where</b> 03:00:58 <p style="text-align: right;">Page 159</p></p>	<p>1 <b>Would that have been the Alliance</b> 2 <b>investigation?</b> 3 A. I don't recall. 4 <b>Q. You don't recall. Okay.</b> 5 <b>And then you also mentioned that she lied to</b> 03:02:41 6 <b>you on October 28th -- is that correct? -- of 2015?</b> 7 A. I believe that was the date. 8 <b>Q. And that was a situation to where she had gone</b> 9 <b>on to the Dr. Drew show; is that right?</b> 03:02:56 10 A. Correct. 11 <b>Q. And you knew -- had she called in sick that</b> 12 <b>day?</b> 13 A. No. 14 <b>Q. She left early?</b> 15 A. If it was exactly the 28th, I'm just thinking 03:03:03 16 from memory. She left at lunch because she and I went 17 in the elevator together. 18 <b>Q. And did she -- did you know why she was</b> 19 <b>leaving?</b> 20 A. No. 03:03:15 21 <b>Q. Did you ask her where she was going?</b> 22 A. No. 23 <b>Q. And then you said you saw the Dr. Drew show</b> 24 <b>later, and she was wearing the same clothes?</b> 25 A. I believe I saw her that night. It may have 03:03:28 <p style="text-align: right;">Page 161</p></p>

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**Frank Cabibi**  
**April 2, 2018**

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<p>1 been sometime after that.</p> <p>2 <b>Q. And this would have been thereabouts of</b></p> <p>3 <b>October 28th of 2015?</b></p> <p>4 A. That's what I remember.</p> <p>5 <b>Q. And when you say she lied to you, what did she</b> 03:03:41</p> <p>6 <b>lie to you about?</b></p> <p>7 A. I didn't say she lied. Well, if I said she</p> <p>8 lied to me, that's incorrect. I said she lied in that</p> <p>9 she said she was working. She wrote out a time that</p> <p>10 she was working, and she wasn't. 03:03:54</p> <p>11 <b>Q. She worked generally a nine-hour day; is that</b></p> <p>12 <b>correct?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Do you know if she adjusted her timecard to</b></p> <p>15 <b>make sure that she -- to reflect that she worked for</b> 03:04:09</p> <p>16 <b>the entire nine hours?</b></p> <p>17 A. I can't answer that because I don't know. I</p> <p>18 don't know specifically.</p> <p>19 <b>Q. And did you ever say to Ms. Dorsey on or about</b></p> <p>20 <b>October 29th of 2015 -- well, let me ask that again.</b> 03:04:31</p> <p>21 <b>Did you ever -- did you ever say to Ms. Dorsey</b></p> <p>22 <b>at any time that you believed that she lied?</b></p> <p>23 A. No.</p> <p>24 <b>Q. You confront her directly?</b></p> <p>25 A. No. 03:04:43</p> <p style="text-align: right;">Page 162</p>	<p>1 lot of time issues with her. Time she was taking off.</p> <p>2 Time that she had to adjust. Time she was taking off</p> <p>3 sick. So sitting here today, I can't specifically</p> <p>4 address that one time period.</p> <p>5 <b>Q. Then -- okay. But in order to kind of close</b> 03:06:07</p> <p>6 <b>this area out, only because you brought it up</b></p> <p>7 <b>specifically, do you recall telling Mr. Urquijo, after</b></p> <p>8 <b>you saw Ms. Dorsey on the Dr. Drew show, that, you</b></p> <p>9 <b>know, "I saw Do-" -- "I saw Dorsey on Dr. Drew show</b></p> <p>10 <b>when she should have been working"?</b> 03:06:27</p> <p>11 A. I do recall that.</p> <p>12 <b>Q. And then do you recall telling him, "Look, I</b></p> <p>13 <b>want you to talk with her and find out why she was on</b></p> <p>14 <b>Dr. Drew show when she should have been working"?</b></p> <p>15 A. I don't remember what I told him to do. This 03:06:45</p> <p>16 is three years ago.</p> <p>17 <b>Q. And regarding those three -- well, I'm sorry.</b></p> <p>18 <b>You mentioned there was some cases that were</b></p> <p>19 <b>assigned that she was subordinate.</b></p> <p>20 <b>And did she refuse to work on them?</b> 03:07:00</p> <p>21 A. There was two sets. One she felt that the time</p> <p>22 written on them was dated back and that she was gonna</p> <p>23 get in trouble for being late with them, and she didn't</p> <p>24 work on them at all together. And another one she</p> <p>25 claimed, because she didn't have a laptop, that she 03:07:18</p> <p style="text-align: right;">Page 164</p>
<p>1 <b>Q. Did you instruct your -- your supervisor --</b></p> <p>2 <b>supervising investigator, Mr. Urquijo, to confront her</b></p> <p>3 <b>with the fact that she lied?</b></p> <p>4 A. No. It was just a feeling I had. I hadn't --</p> <p>5 I hadn't received any evidence to support that at the 03:04:56</p> <p>6 time.</p> <p>7 <b>Q. Well, did you call Ms. Dorsey into your office</b></p> <p>8 <b>to tell her that you had some concerns that maybe she</b></p> <p>9 <b>had lied with respect to her timecard?</b></p> <p>10 A. I did not. 03:05:10</p> <p>11 <b>Q. Why not?</b></p> <p>12 A. I don't know. I can't tell you at this moment</p> <p>13 why I didn't at the time. I'm not sure what was going</p> <p>14 on in my life, if I was even around. I know my mom was</p> <p>15 sick in New York. I had things in my life; plus I had 03:05:18</p> <p>16 a lot of other cases and a lot of other employees.</p> <p>17 <b>Q. But you did consider that a serious matter?</b></p> <p>18 A. It was a matter that I was addressing. I was</p> <p>19 trying to let the supervisor address first and</p> <p>20 foremost. 03:05:32</p> <p>21 <b>Q. Did you instruct Mr. Urquijo to find out why</b></p> <p>22 <b>she may have lied on her timecard on October 28th of</b></p> <p>23 <b>2015 when you saw her on the Dr. Drew show?</b></p> <p>24 A. So sitting here, I cannot tell you that</p> <p>25 specifically. I know Mr. Urquijo tried to address a 03:05:52</p> <p style="text-align: right;">Page 163</p>	<p>1 couldn't do at all.</p> <p>2 <b>Q. All right. Why don't we start with the first</b></p> <p>3 <b>set, where she had concerns about the due date.</b></p> <p>4 <b>Are you with me?</b></p> <p>5 A. If I remember all the particulars, yes. 03:07:30</p> <p>6 <b>Q. All right.</b></p> <p>7 <b>And regarding those cases, where Ms. Dorsey had</b></p> <p>8 <b>concerns about the due date, were these due diligence</b></p> <p>9 <b>investigations?</b></p> <p>10 A. They were Charter due diligence investigations, 03:07:42</p> <p>11 yes.</p> <p>12 <b>Q. And were these investigations assigned to</b></p> <p>13 <b>Ms. Dorsey after the due date which was set forth on</b></p> <p>14 <b>the face of the document?</b></p> <p>15 A. I can't tell you what the due date on the face 03:07:55</p> <p>16 of the doc -- I don't think we had a due date on faces</p> <p>17 of documents. I think there might have been a note</p> <p>18 from Mr. Urquijo that we needed to get these done.</p> <p>19 <b>Q. Okay.</b></p> <p>20 <b>Do you know who Jose Cole-Gutierrez is?</b> 03:08:13</p> <p>21 A. Yes.</p> <p>22 <b>Q. Who's that?</b></p> <p>23 A. He's the Charter School Division -- Charter</p> <p>24 School Services Division Director.</p> <p>25 <b>Q. And would he have been the person who would</b> 03:08:21</p> <p style="text-align: right;">Page 165</p>

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<p>1     <b>have given or made the request that the O.I.G. do those</b></p> <p>2     <b>due diligence investigations for the charter school?</b></p> <p>3         A. I don't think specifically. I think someone he</p> <p>4     delegated down to.</p> <p>5         <b>Q. But he would have been the person ultimately in</b>     03:08:40</p> <p>6     <b>charge of making that request from the O.I.G.?</b></p> <p>7         A. I believe so.</p> <p>8         MR. HILL: I believe that calls for</p> <p>9     speculation.</p> <p>10    BY MR. BROWN:     03:08:50</p> <p>11         <b>Q. You can answer.</b></p> <p>12         A. Yeah. I'm not sure. I -- I know we would get</p> <p>13     them from the administrative assistant. We would get</p> <p>14     them from the secretary. We'd get them from Dr. Perry.</p> <p>15     Different people in -- in the division.     03:09:00</p> <p>16         <b>Q. But Mr. Cole-Gutierrez was the person in charge</b></p> <p>17     <b>of the division; correct?</b></p> <p>18         MR. HILL: You can answer to what you know.</p> <p>19         THE WITNESS: He is in charge of the division.</p> <p>20    BY MR. BROWN:     03:09:11</p> <p>21         <b>Q. Very good. Thank you.</b></p> <p>22         <b>And regarding due diligence investigations, is</b></p> <p>23     <b>there a timeline or is there a time requirement by</b></p> <p>24     <b>which they must be completed?</b></p> <p>25         MR. HILL: That's vague.     03:09:22</p> <p style="text-align: right;">Page 166</p>	<p>1     a report to give to the Board within three weeks of the</p> <p>2     matter being addressed by the Board. So that means</p> <p>3     they would have to give them to us, like, 60 days</p> <p>4     before in order to have, like, 30 days to get them</p> <p>5     complete, but that never really happened.     03:11:06</p> <p>6         You know, we would get them, like, within</p> <p>7     30 days of them going to Board, which is already almost</p> <p>8     too late. So we would constantly complain that we</p> <p>9     didn't have the resources to get that done. So I don't</p> <p>10    know if that's a full answer to your question.     03:11:24</p> <p>11         <b>Q. So has there ever been a situation to where you</b></p> <p>12     <b>have -- I'm sorry.</b></p> <p>13         <b>Has there ever been a situation where either</b></p> <p>14     <b>you or Jorge Urquijo had assigned a Charter Division's</b></p> <p>15     <b>due diligence investigation after a deadline that was</b>     03:11:37</p> <p>16     <b>imposed by Charter Schools Division?</b></p> <p>17         MR. HILL: I think that calls for speculation</p> <p>18     as to what Urquijo did, but you can answer as far as</p> <p>19     yourself is concerned.</p> <p>20         THE WITNESS: I don't know that they would put     03:11:51</p> <p>21     a -- drop a date on them. They would just tell us that</p> <p>22     these are going to Board on this date.</p> <p>23         MR. BROWN: Okay.</p> <p>24         Can we take a quick break?</p> <p>25         THE WITNESS: Absolutely.     03:12:08</p> <p style="text-align: right;">Page 168</p>
<p>1         But you can answer to the extent that you can.</p> <p>2         THE WITNESS: They're -- I think there's a time</p> <p>3     requirement as far as my knowledge goes.</p> <p>4    BY MR. BROWN:     03:09:33</p> <p>5         <b>Q. Uh-huh.</b></p> <p>6         A. There's a time requirement that the Charter</p> <p>7     Schools Division have to complete and get back to the</p> <p>8     Board.</p> <p>9         <b>Q. So as a result of that then, when you received</b></p> <p>10     <b>due diligence investigations that the O.I.G. unit has</b>     03:09:49</p> <p>11     <b>to do, is there a time by which you have to have them</b></p> <p>12     <b>completed to take them back to Charter Schools</b></p> <p>13     <b>Division?</b></p> <p>14         A. I'm not sure how to answer that question.</p> <p>15     They're -- they're supposed to get them to us in a --     03:10:13</p> <p>16     in a -- as -- as early as possible so that we have as</p> <p>17     much time as possible because they don't know what</p> <p>18     other matters we have ongoing.</p> <p>19         <b>Q. But once they come to the O.I.G. unit, do the</b></p> <p>20     <b>investigators have a time by which they have to</b>     03:10:29</p> <p>21     <b>complete the due diligence investigations?</b></p> <p>22         A. So that -- there is and there isn't. So if I</p> <p>23     may answer both ways.</p> <p>24         <b>Q. Yes, please.</b></p> <p>25         A. I think ultimately they would like to complete     03:10:49</p> <p style="text-align: right;">Page 167</p>	<p>1         MR. BROWN: All right. Thank you very much.</p> <p>2         THE VIDEOGRAPHER: Okay. We're now going off</p> <p>3     camera. The time is 3:11 P.M.</p> <p>4     (Off the record.)</p> <p>5    BY MR. BROWN:     03:12:10</p> <p>6         <b>Q. All right. Mr. Cabibi, I'm going to show you</b></p> <p>7     <b>what I'm going to mark --</b></p> <p>8         THE REPORTER: I'm sorry. You need to...</p> <p>9         THE VIDEOGRAPHER: Oh, I already did.</p> <p>10    Now, we're back on camera. The time is about     03:31:33</p> <p>11    3:31 P.M.</p> <p>12    BY MR. BROWN:</p> <p>13         <b>Q. Mr. Cabibi, I'm going to show what I'm going to</b></p> <p>14     <b>mark as Exhibit 104. And once you've had a chance to</b></p> <p>15     <b>review that, please let me know.</b>     03:31:48</p> <p>16         <b>(Plaintiff's Exhibit 104 was marked</b></p> <p>17         <b>for identification.)</b></p> <p>18         THE WITNESS: Okay.</p> <p>19    BY MR. BROWN:</p> <p>20         <b>Q. All right. Looking at Exhibit 104, the first</b>     03:32:02</p> <p>21     <b>page is where it says, "Dorsey 1352."</b></p> <p>22         <b>Does this appear to be one of the</b></p> <p>23     <b>investigations that you claim Ms. Dorsey refused to</b></p> <p>24     <b>work on?</b></p> <p>25         A. I'm sorry. Where do you see?     03:32:18</p> <p style="text-align: right;">Page 169</p>

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<p>1 (Speaking simultaneously.)</p> <p>2 MR. HILL: I'm sorry.</p> <p>3 BY MR. BROWN:</p> <p>4 <b>Q. I -- I was looking at the first page where it</b></p> <p>5 <b>says, "Dorsey 1352."</b> 03:32:26</p> <p>6 <b>MR. HILL: Oh.</b></p> <p>7 THE WITNESS: Oh, I'm sorry. I had my finger</p> <p>8 over it.</p> <p>9 BY MR. BROWN:</p> <p>10 <b>Q. That's okay.</b> 03:32:30</p> <p>11 A. Okay. I can't recall if this is one of the</p> <p>12 ones. I thought before you said Alliance, but I see</p> <p>13 this is El Camino Real.</p> <p>14 <b>Q. I did say Alliance at one point. As I</b></p> <p>15 <b>understand it, there were two sets, but you don't</b> 03:32:46</p> <p>16 <b>remember the names. So I'll just ask you a few</b></p> <p>17 <b>questions generally on this.</b></p> <p>18 A. Okay.</p> <p>19 <b>Q. Myra -- do you know who Myra Hernandez is?</b></p> <p>20 A. I do not. 03:32:54</p> <p>21 <b>Q. Okay.</b></p> <p>22 <b>And underneath her name, though, it says</b></p> <p>23 <b>"Charter Schools Division."</b></p> <p>24 A. I'm guessing she's one of the administrative</p> <p>25 staff. 03:33:01</p> <p style="text-align: right;">Page 170</p>	<p>1 <b>by September 21 of 2015; is that correct?</b></p> <p>2 A. That's -- that's what it says.</p> <p>3 <b>Q. So do you know if this inve -- investigation --</b></p> <p>4 <b>so then would it have been improper to assign this case</b></p> <p>5 <b>to an investigator after September 21 of 2015?</b> 03:34:16</p> <p>6 A. No.</p> <p>7 <b>Q. Why not?</b></p> <p>8 A. Well, because many different things could have</p> <p>9 happened. Maybe realizing that they weren't going to</p> <p>10 get this work on time, they could have caused it to go 03:34:32</p> <p>11 to the next Board session.</p> <p>12 There could have been discussions between</p> <p>13 myself or Jorge or someone else with the Charter</p> <p>14 Schools Division and trying to tell them this is how</p> <p>15 long it's going to take us because we don't have the 03:34:49</p> <p>16 resources at the moment. So I'm not sure exactly</p> <p>17 what -- you know, what was happening around this time.</p> <p>18 <b>Q. And you don't have any specific recollection</b></p> <p>19 <b>with respect to any of the cases set forth in Exhibit</b></p> <p>20 <b>104; is that right?</b> 03:35:02</p> <p>21 A. I don't. You know, other than they're in</p> <p>22 progressive order in terms of being opened. I could</p> <p>23 see that 16-084 --</p> <p>24 <b>Q. Uh-huh.</b></p> <p>25 A. -- 085. And I'm guessing 086 from what I can 03:35:18</p> <p style="text-align: right;">Page 172</p>
<p>1 MR. HILL: Well, don't -- don't guess.</p> <p>2 THE WITNESS: Oh, sorry.</p> <p>3 BY MR. BROWN:</p> <p>4 <b>Q. Yeah. The only question is after her name it</b></p> <p>5 <b>says "Charter Schools Division"; is that correct?</b> 03:33:03</p> <p>6 A. I see the Charter Schools Division there.</p> <p>7 <b>Q. Very good.</b></p> <p>8 <b>And so then would this be an example of a</b></p> <p>9 <b>request for a due diligence investigation that was</b></p> <p>10 <b>submitted to O.I.G. from Charter Schools Division?</b> 03:33:12</p> <p>11 A. Yes.</p> <p>12 <b>Q. And then do you see this stamp right here where</b></p> <p>13 <b>it says "Inspector General." And there's a date</b></p> <p>14 <b>"September 14, 2015"?</b></p> <p>15 A. Yes. 03:33:25</p> <p>16 <b>Q. Okay.</b></p> <p>17 <b>So then this stamp would be the date and time</b></p> <p>18 <b>that this request was received from Charter Schools</b></p> <p>19 <b>Division; is that correct?</b></p> <p>20 A. Correct. 03:33:36</p> <p>21 <b>Q. So then do you see where it says in red: "Need</b></p> <p>22 <b>report by September 21, 2015"?</b></p> <p>23 A. I do.</p> <p>24 <b>Q. So then that means that Charter Schools</b></p> <p>25 <b>Division need the due diligence investigation completed</b> 03:33:49</p> <p style="text-align: right;">Page 171</p>	<p>1 tell --</p> <p>2 <b>Q. Uh-huh.</b></p> <p>3 A. -- in progressive order.</p> <p>4 And these are three cases that came in, you</p> <p>5 know, early 2015 -- school year 2015. 03:35:29</p> <p>6 <b>Q. We'll just make it a little more bit more</b></p> <p>7 <b>specific.</b></p> <p>8 <b>Each of the three cases in Exhibit 104 were</b></p> <p>9 <b>received by the O.I.G. on September 14th of 2015; is</b></p> <p>10 <b>that correct?</b> 03:35:49</p> <p>11 A. It looks like the Bates stamp does say it. So</p> <p>12 I would say yes.</p> <p>13 <b>Q. And for the first one, the report needed to be</b></p> <p>14 <b>completed by September 21st of 2015; is that correct?</b></p> <p>15 A. Yes. 03:36:06</p> <p>16 <b>Q. And for the second one, that being where it</b></p> <p>17 <b>says, "Dorsey 1353," the report needed to be completed</b></p> <p>18 <b>by O.I.G. on September 24th of 2015?</b></p> <p>19 A. That's what it says, yes.</p> <p>20 <b>Q. And then for the last one, which is "Dorsey</b> 03:36:20</p> <p>21 <b>1354," the report needed to be completed by</b></p> <p>22 <b>September 21 of 2015?</b></p> <p>23 A. That's what it says.</p> <p>24 <b>Q. So if Ms. Dorsey was assigned a due diligence</b></p> <p>25 <b>investigation after the date that the report was needed</b> 03:36:37</p> <p style="text-align: right;">Page 173</p>

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<p>1 <b>by, would it be reasonable for her to want a new</b></p> <p>2 <b>deadline date?</b></p> <p>3 MR. HILL: Calls for speculation.</p> <p>4 BY MR. BROWN:</p> <p>5 <b>Q. Based on --</b> 03:36:52</p> <p>6 MR. HILL: What is reasonable for her. I think</p> <p>7 that's the way you phrased the question, what would be</p> <p>8 reasonable for her.</p> <p>9 MR. BROWN: Actually, I thought I said it would</p> <p>10 be reasonable addressing him, but I'll just ask it 03:37:04</p> <p>11 again.</p> <p>12 BY MR. BROWN:</p> <p>13 <b>Q. Based on your training and experience as Deputy</b></p> <p>14 <b>Inspector General, to the extent that a due diligence</b> 03:37:13</p> <p>15 <b>investigation was assigned to Ms. Dorsey after the</b></p> <p>16 <b>deadline date, do you believe that it would be</b></p> <p>17 <b>reasonable for her to want a new deadline date?</b></p> <p>18 MR. HILL: I'll object. That assumes facts,</p> <p>19 but you can answer.</p> <p>20 THE WITNESS: So it's like apples and oranges. 03:37:30</p> <p>21 This is the Charter Schools Division putting a</p> <p>22 deadline. We didn't put a deadline on our</p> <p>23 investigators, other than to say get them done as quick</p> <p>24 as possible.</p> <p>25 /// 03:37:43</p> <p style="text-align: right;">Page 174</p>	<p>1 the time that they received our report to when they can</p> <p>2 include that information into their overall report, the</p> <p>3 Schools Division report was 95 percent. The O.I.G.'s</p> <p>4 findings would be about one paragraph.</p> <p>5 <b>Q. So then when we talk about Charter Schools</b> 03:39:14</p> <p>6 <b>Division and we talk about a Board action, we're</b></p> <p>7 <b>talking about the Board of Education; correct?</b></p> <p>8 A. Correct.</p> <p>9 <b>Q. All right.</b></p> <p>10 <b>So then the Charter Schools Division needed</b> 03:39:27</p> <p>11 <b>these investigations to be done so that they could</b></p> <p>12 <b>present information to the Board of Education; is that</b></p> <p>13 <b>correct?</b></p> <p>14 A. That's correct.</p> <p>15 <b>Q. So that being the case, how was it that this</b> 03:39:35</p> <p>16 <b>need -- report by date is meaningless as it relates to</b></p> <p>17 <b>an O.I.G. investigator, given that there's an estimated</b></p> <p>18 <b>Board action coming up on October 13th of 2015?</b></p> <p>19 A. Well, if it was based on the amount of</p> <p>20 resources we had, we -- there was no way for us to be 03:39:57</p> <p>21 able to comply. Actually, if we received it on</p> <p>22 September 14th, it was only giving us seven days, and</p> <p>23 seven days includes the weekend; so it really was only</p> <p>24 taking us five days. And that's based on everyone we</p> <p>25 were going to assign it to didn't have any other 03:40:15</p> <p style="text-align: right;">Page 176</p>
<p>1 BY MR. BROWN:</p> <p>2 <b>Q. So then to the extent that that's true, does</b></p> <p>3 <b>that mean that, where it says, "In re: Need report by</b></p> <p>4 <b>9/21/15," is that meaningless with respect to the</b> 03:37:57</p> <p>5 <b>investigator's duty to finish the investigation?</b></p> <p>6 A. I think this is not a document that the</p> <p>7 investigators asked to look at. This is a --</p> <p>8 MR. HILL: Just answer his question. Is that</p> <p>9 date meaningless?</p> <p>10 THE WITNESS: It is quite meaningless. 03:38:16</p> <p>11 BY MR. BROWN:</p> <p>12 <b>Q. It is. Okay.</b></p> <p>13 <b>So then taking a look at the bottom of 1352, it</b></p> <p>14 <b>says, "Estimated date of Board action, October 13,</b> 03:38:25</p> <p>15 <b>2015."</b></p> <p>16 <b>Do you see that?</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And actually, if you look at all three pages,</b></p> <p>19 <b>it's the same estimated date of Board action,</b></p> <p>20 <b>October 13, 2015; is that correct?</b> 03:38:40</p> <p>21 A. I do see that.</p> <p>22 <b>Q. And so what does that mean?</b></p> <p>23 A. It means that this action was coming before the</p> <p>24 Board, and that it looks to me -- and typically, they</p> <p>25 would try to give themselves several weeks. But from 03:38:55</p> <p style="text-align: right;">Page 175</p>	<p>1 casework, and that wasn't the case.</p> <p>2 <b>Q. Did you ever express to the Charter Schools</b></p> <p>3 <b>Division that, if they wanted these due dili -- due</b></p> <p>4 <b>diligence investigations to be turned around quicker by</b></p> <p>5 <b>O.I.G., that you needed additional investigators?</b> 03:40:29</p> <p>6 A. Additional resources.</p> <p>7 <b>Q. And what did you mean by resources?</b></p> <p>8 A. Well, we talked about several different</p> <p>9 situations. One was additional investigators, one was</p> <p>10 investigative assistants, another one was auditors, or 03:40:42</p> <p>11 even a third party.</p> <p>12 <b>Q. Okay.</b></p> <p>13 <b>And is that something that you expressed</b></p> <p>14 <b>directly to Jose Cole-Gutierrez?</b></p> <p>15 A. I -- I wouldn't have those discussions, but the 03:40:54</p> <p>16 O.I.G. would have those discussions with Jose</p> <p>17 Cole-Gutierrez.</p> <p>18 <b>Q. And has -- have you ever been present when he's</b></p> <p>19 <b>had any of those discussions with Mr. Cole-Gutierrez?</b></p> <p>20 A. I'm not sure that I have. 03:41:04</p> <p>21 <b>Q. Has he ever told you that he has discussed with</b></p> <p>22 <b>Mr. Cole-Gutierrez the fact that, in order to turn</b></p> <p>23 <b>these investigations or conduct them quicker, that</b></p> <p>24 <b>O.I.G. needs additional resources?</b></p> <p>25 A. Yes. And we ultimately got the -- the 03:41:20</p> <p style="text-align: right;">Page 177</p>

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<div>1 additional resources.</div> <div>2 <b>Q. What resources did you get?</b></div> <div>3 A. I want to say four-and-a-half -- I think it was</div> <div>4 a total of four-and-a-half full-time employees,</div> <div>5 F.T.E.'s. 03:41:42</div> <div>6 <b>Q. And for those four-and-a-half employees, were</b></div> <div>7 <b>those positions funded by C.S.D.?</b></div> <div>8 A. They -- yes.</div> <div>9 <b>Q. Were any additional resources ever funded by</b></div> <div>10 <b>the Bond Oversight Commission?</b> 03:41:57</div> <div>11 A. Regarding this?</div> <div>12 <b>Q. Regarding any additional resources received by</b></div> <div>13 <b>O.I.G.?</b></div> <div>14 MR. HILL: It's vague as to time.</div> <div>15 BY MR. BROWN: 03:42:07</div> <div>16 <b>Q. During the -- the year 2015 or 2016?</b></div> <div>17 A. And -- I'm not sure if it was 2015 or 2016. We</div> <div>18 did receive two additional F.T.E.'s from the Bond</div> <div>19 Oversight Committee to conduct a facilities related</div> <div>20 investigations. 03:42:31</div> <div>21 <b>Q. What are F.D.E.'s?</b></div> <div>22 A. F.T.E.'s are full-time employees.</div> <div>23 <b>Q. Very good. Thank you.</b></div> <div>24 A. No problem.</div> <div>25 <b>Q. And when you say, "four-and-a-half employees,"</b> 03:42:40</div> <div>Page 178</div>	<div>1 <b>And then you also -- so you mentioned that --</b></div> <div>2 <b>we've talked about why you believed that Ms. Dorsey was</b></div> <div>3 <b>insolent as of January 6th of 2016.</b></div> <div>4 <b>You've also mentioned why you believed that she</b></div> <div>5 <b>was insubordinate, and that had to do with her refusal,</b> 03:43:58</div> <div>6 <b>as you're putting it, to investigate certain cases that</b></div> <div>7 <b>were assigned to her; is that correct?</b></div> <div>8 A. Yes.</div> <div>9 <b>Q. Is there any other way in which you believe</b></div> <div>10 <b>Ms. Dorsey was insubordinate as of January 6th of 2016?</b> 03:44:13</div> <div>11 A. There -- I can't pinpoint.</div> <div>12 <b>Q. I'm listening. Were you done with your -- with</b></div> <div>13 <b>your answer, sir?</b></div> <div>14 A. No.</div> <div>15 <b>Q. Okay. All right.</b> 03:44:33</div> <div>16 A. I'm sorry. I can't pinpoint anything specific</div> <div>17 at the moment, but I know there was a lot of back and</div> <div>18 forth going on between Ms. Dorsey and Mr. Urquijo in</div> <div>19 regarding work and working. And in her responses, I</div> <div>20 remember reading, other than information that 03:44:51</div> <div>21 Mr. Urquijo was providing to me that she was being</div> <div>22 insubordinate.</div> <div>23 <b>Q. Based on --</b></div> <div>24 A. At times raising her voice in front of others</div> <div>25 and as such. Sorry. 03:45:04</div> <div>Page 180</div>
<div>1 <b>what does that mean?</b></div> <div>2 A. The equivalent of, like, we can fund one</div> <div>3 full-time this, one full-time this. We're only going</div> <div>4 to give you, let's say -- let's say for prac- -- just</div> <div>5 for speaking, it's 500,000 -- 500,000 based on these 03:42:58</div> <div>6 positions could only pay for these four-and-a-half</div> <div>7 positions.</div> <div>8 <b>Q. All right.</b></div> <div>9 <b>Is half -- when -- we talk about the half, does</b></div> <div>10 <b>that mean a part-time employee?</b> 03:43:11</div> <div>11 A. No. Meaning, that maybe the other half had to</div> <div>12 be covered by general funds.</div> <div>13 <b>Q. Understood. Thank you.</b></div> <div>14 <b>All right, sir. I believe we are done with</b></div> <div>15 <b>that.</b> 03:43:21</div> <div>16 <b>So then where -- and now I'm going back to this</b></div> <div>17 <b>one. (Indicating.)</b></div> <div>18 A. Okay.</div> <div>19 <b>Q. I'm back to Wednesday. I guess we are on</b></div> <div>20 <b>January 6th.</b> 03:43:33</div> <div>21 MR. HILL: So you are back on Exhibit 103?</div> <div>22 MR. BROWN: I am.</div> <div>23 MR. HILL: Thank you.</div> <div>24 BY MR. BROWN:</div> <div>25 <b>Q. Page 3250 on the second paragraph.</b> 03:43:42</div> <div>Page 179</div>	<div>1 <b>Q. No, you have nothing to apologize. I jumped</b></div> <div>2 <b>you. I jumped too early when you paused.</b></div> <div>3 <b>Based on your professional relationship with</b></div> <div>4 <b>Mr. Urquijo, do you believe that he had any weaknesses</b></div> <div>5 <b>or deficiencies or areas that needed to be improved</b> 03:45:19</div> <div>6 <b>upon as a supervising investigator?</b></div> <div>7 A. No.</div> <div>8 <b>Q. Are you and Mr. Urquijo personal friends?</b></div> <div>9 A. No.</div> <div>10 <b>Q. Have you and Mr. Urquijo ever socialized</b> 03:45:34</div> <div>11 <b>outside of work?</b></div> <div>12 A. No. I'm sorry. For purposes of recording, no.</div> <div>13 <b>Q. Very good. Thank you.</b></div> <div>14 <b>Now, when you mentioned on -- in that paragraph</b></div> <div>15 <b>Ms. Dorsey's lack of work, what were you referring to?</b> 03:45:52</div> <div>16 A. She wasn't updating her casework. She was very</div> <div>17 brief in her investigations. As soon as she would get</div> <div>18 something, she would try to close it out and not going</div> <div>19 through all the necessary steps in which I had seen her</div> <div>20 do before by reviewing her prior work. You know, maybe 03:46:14</div> <div>21 not interviewing all witnesses or try to cover all the</div> <div>22 bases.</div> <div>23 Like, there were several different things that,</div> <div>24 you know, I remember were on the table at the time.</div> <div>25 You know, cases, past cases that the D.A.'s office was 03:46:31</div> <div>Page 181</div>

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<p>1 calling on, and she was not being responsive to them.</p> <p>2 And I had to have, on one particular case, Connie De</p> <p>3 Los Santos actually put together some figures on a</p> <p>4 case. They wanted numbers. You know, this is work</p> <p>5 that the investigator, I felt, should be doing. 03:46:50</p> <p>6 <b>Q. Understood.</b></p> <p>7 <b>So then when you mentioned that -- when you say</b></p> <p>8 <b>"lack of work," when you mentioned Ms. Dorsey not</b></p> <p>9 <b>updating, you said, the ca -- the case file.</b></p> <p>10 <b>Is that what you said? 03:47:03</b></p> <p>11 A. In Time Matters?</p> <p>12 <b>Q. Yes. All right.</b></p> <p>13 A. I wasn't reviewing the actual case files, for</p> <p>14 the most part.</p> <p>15 <b>Q. Understood. 03:47:11</b></p> <p>16 <b>So did you ever have a discussion with</b></p> <p>17 <b>Ms. Dorsey where you shared your concern with her that</b></p> <p>18 <b>she was not updating Time Matters regarding the cases</b></p> <p>19 <b>that she'd been assigned?</b></p> <p>20 A. No. I would discuss that with the supervisor 03:47:26</p> <p>21 and have him handle that.</p> <p>22 <b>Q. And when you mentioned that Ms. Dorsey was too</b></p> <p>23 <b>brief in her investigations, did you ever have a</b></p> <p>24 <b>discussion with Ms. Dorsey directly to tell her that</b></p> <p>25 <b>you believed that she was too brief in her 03:47:40</b></p> <p style="text-align: right;">Page 182</p>	<p>1 <b>Ms. Dorsey did not, to use your words, cover all of the</b></p> <p>2 <b>bases or interview all of the witnesses?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. Aside from the James Roybal case, can you think</b></p> <p>5 <b>of any other case where you believed that Ms. Dorsey 03:49:07</b></p> <p>6 <b>did not conduct a competent investigation?</b></p> <p>7 A. The one I was just mentioning that Ms. De Los</p> <p>8 Santos had to prepare a financial document or -- or an</p> <p>9 assessment of the monies that was lost to the District.</p> <p>10 I can't remember the case. I can't remember the case 03:49:30</p> <p>11 name. It was a female. I want to say Karen...</p> <p>12 <b>Q. Sandra Sexton?</b></p> <p>13 A. Sandra Sexton case, yes.</p> <p>14 <b>Q. All right.</b></p> <p>15 <b>So then, as far as you remember, two cases 03:49:40</b></p> <p>16 <b>where Ms. Dorsey did not handle them competently</b></p> <p>17 <b>because she did not cover all the bases.</b></p> <p>18 <b>One was James Roybal; correct?</b></p> <p>19 A. Right.</p> <p>20 <b>Q. The other one was Sandra Sexton, correct? 03:49:55</b></p> <p>21 A. That's all I can remember at this time. And I</p> <p>22 can't really put a fixed date on when I know that -- I</p> <p>23 knew that information, if that's fair.</p> <p>24 <b>Q. And did you ever direct Mr. Urquijo to</b></p> <p>25 <b>discipline Ms. Dorsey in any way due to her poor 03:50:11</b></p> <p style="text-align: right;">Page 184</p>
<p>1 <b>investigations?</b></p> <p>2 A. No, but I remember Mr. Urquijo going over some</p> <p>3 investigations and documented it for her what he</p> <p>4 thought she still needed to do.</p> <p>5 <b>Q. And when you say, "He documented it for her," 03:47:54</b></p> <p>6 <b>first, do you remember the names of any of those cases?</b></p> <p>7 A. I don't.</p> <p>8 <b>Q. Do you recall how many cases there were?</b></p> <p>9 A. No. I -- I do remember there was a James</p> <p>10 Roybal case. 03:48:08</p> <p>11 <b>Q. And what was the problem with Ms. --</b></p> <p>12 A. It wasn't --</p> <p>13 <b>Q. -- Dorsey's handling of the James Roybal case?</b></p> <p>14 A. I'm sorry. Could you repeat that.</p> <p>15 <b>Q. Yes. 03:48:16</b></p> <p>16 <b>What was the problem, as you saw it, with</b></p> <p>17 <b>Ms. Dorsey's handling of the James Roybal case?</b></p> <p>18 A. I don't think it was a fully developed case</p> <p>19 before it was sent over to the D.A.</p> <p>20 <b>Q. And are you saying that based upon your review 03:48:27</b></p> <p>21 <b>of it, or are you saying that based upon Mr. Urquijo</b></p> <p>22 <b>telling you what his opinion of the investigation was?</b></p> <p>23 A. I actually remember reading the document that</p> <p>24 Mr. Urquijo had completed for her to review.</p> <p>25 <b>Q. Was that a case where you believed that 03:48:43</b></p> <p style="text-align: right;">Page 183</p>	<p>1 <b>performance, as you perceived it, with respect to the</b></p> <p>2 <b>Sandra Sexton case?</b></p> <p>3 A. No, I did not.</p> <p>4 <b>Q. Did you ever direct Mr. Urquijo to discipline</b></p> <p>5 <b>Ms. Dorsey in any way regarding your opinion of her 03:50:25</b></p> <p>6 <b>alleged poor handling of the James Roybal case?</b></p> <p>7 A. I did not.</p> <p>8 <b>Q. Is there a reason why you didn't?</b></p> <p>9 A. To be perfectly honest, I was way busy. And I</p> <p>10 was -- you know, it's kind of like you have tools in 03:50:38</p> <p>11 your garage. Even if some of them don't work, you</p> <p>12 always try to handle them and clean them, as best as</p> <p>13 you could, and try to get them to work for you.</p> <p>14 <b>Q. And regarding getting -- doing some numbers on</b></p> <p>15 <b>a case, was that either that Ms. De Los Santos -- 03:50:54</b></p> <p>16 <b>Well, regarding the situation where you said</b></p> <p>17 <b>Ms. De Los Santos had to do some numbers on one of</b></p> <p>18 <b>Ms. Dorsey's cases, was that either the Sexton or</b></p> <p>19 <b>Roybal case?</b></p> <p>20 A. My recollection it was the Sexton case, but I 03:51:10</p> <p>21 could be wrong. There was another case, but it escapes</p> <p>22 me. I want to say Mercado, but maybe I'm wrong. You</p> <p>23 know, there's been many cases, hundreds. But -- and I</p> <p>24 haven't really concentrated on this. I can't be for</p> <p>25 sure. 03:51:28</p> <p style="text-align: right;">Page 185</p>

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<div>1     <b>Q. Sure.</b></div> <div>2     A. Okay.</div> <div>3     <b>Q. So regarding the Sexton case, Ms. De Los</b></div> <div>4     <b>Santos, was she an auditor?</b></div> <div>5     A. She was a forensic accountant. 03:51:38</div> <div>6     <b>Q. So then in terms of generating numbers for --</b></div> <div>7     <b>for a particular case, was that her job?</b></div> <div>8     A. No.</div> <div>9     <b>Q. So then what were her duties as a forensic</b></div> <div>10    <b>accountant as it related to the investigation of cases?</b> 03:51:50</div> <div>11    A. So she was assigned to specific cases to assist</div> <div>12    in -- in, like, regenerating the QuickBooks and trying</div> <div>13    to find out where money was missing.</div> <div>14    <b>Q. And was Ms. De Los Santos -- was her function</b></div> <div>15    <b>to assist investigators as they performed their duties</b> 03:52:05</div> <div>16    <b>in investigating cases?</b></div> <div>17    A. Yes.</div> <div>18    <b>Q. And so then what she did was she assisted</b></div> <div>19    <b>Ms. Dorsey with respect to the case where she had to</b></div> <div>20    <b>generate numbers; correct?</b> 03:52:17</div> <div>21    A. I -- I'm not exactly sure if it was even the</div> <div>22    Sexton case; so I don't know if I could answer that</div> <div>23    question.</div> <div>24    <b>Q. Whichever case you believed that -- where you</b></div> <div>25    <b>mentioned that Ms. De Los Santos had to do some work on</b> 03:52:31</div> <div>Page 186</div>	<div>1     <b>Do you know why it was that Ms. De Los Santos</b></div> <div>2     <b>contacted -- let me ask it better.</b></div> <div>3     <b>Do you know why it was Ms. De Los Santos</b></div> <div>4     <b>communicated with the District Attorney's office</b></div> <div>5     <b>regarding one of Ms. Dorsey's cases?</b> 03:53:45</div> <div>6     A. I don't think that's how it went. I think it</div> <div>7     was more like they were trying to get ahold of</div> <div>8     Ms. Dorsey. And after some time, either Mr. Urquijo or</div> <div>9     myself, we -- we asked her to complete the work, and</div> <div>10    then asked her to communicate to the D.A.'s office. 03:54:00</div> <div>11    <b>Q. And in terms of asking Ms. Kress to complete</b></div> <div>12    <b>the work --</b></div> <div>13    A. No. Ms. De Los Santos.</div> <div>14    <b>Q. I'm sorry.</b></div> <div>15    <b>In terms of asking Ms. De Los Santos to</b> 03:54:11</div> <div>16    <b>complete the work, was this during the time that</b></div> <div>17    <b>Ms. Dorsey was still coming to the office everyday?</b></div> <div>18    <b>In other words, prior to January 7th of 2016.</b></div> <div>19    A. It was prior to January 6th of 2016, yes.</div> <div>20    <b>Q. So then, if I were to look -- if we were to</b> 03:54:28</div> <div>21    <b>find that case then on Time Matters, it would reflect</b></div> <div>22    <b>when Ms. De Los Santos took over the case; is that</b></div> <div>23    <b>correct?</b></div> <div>24    MR. HILL: Calls for speculation.</div> <div>25    /// 03:54:41</div> <div>Page 188</div>
<div>1     <b>one of Ms. Dorsey's cases, were you saying that Ms. De</b></div> <div>2     <b>Los Santos performed duties that Ms. Dorsey should have</b></div> <div>3     <b>performed?</b></div> <div>4     A. I believe that that particular task should have</div> <div>5     been done by the investigator, yes. Ms. Dorsey should 03:52:47</div> <div>6     have done that part.</div> <div>7     <b>Q. And --</b></div> <div>8     A. And that should have been done way before it</div> <div>9     got sent over to the D.A.'s office.</div> <div>10    <b>Q. And in terms of that specific part that Ms. De</b> 03:52:57</div> <div>11    <b>Los Santos did that Ms. Dorsey should have done, to</b></div> <div>12    <b>your mind, specifically, what was that?</b></div> <div>13    A. What was that?</div> <div>14    <b>Q. Yeah. What was it that Ms. De Los Santos did</b></div> <div>15    <b>that you believe Ms. Dorsey should have with respect to</b> 03:53:07</div> <div>16    <b>one of Ms. Dorsey's assigned cases?</b></div> <div>17    A. Well, I remember at some point she had to</div> <div>18    communicate with the D.A., and that's not her job. She</div> <div>19    basically took over the case.</div> <div>20    <b>Q. By communicating with the D.A.?</b> 03:53:24</div> <div>21    A. Yes.</div> <div>22    <b>Q. Do you know why Ms. De Los Santos --</b></div> <div>23    A. Cause now that evidence was gonna to -- excuse</div> <div>24    me. Answer -- ask all your question.</div> <div>25    <b>Q. Okay.</b> 03:53:32</div> <div>Page 187</div>	<div>1     BY MR. BROWN:</div> <div>2     <b>Q. Well, should Time Matters reflect when Ms. De</b></div> <div>3     <b>Los Santos took over that case for Ms. Dorsey?</b></div> <div>4     A. I think what I communicated -- I was trying to</div> <div>5     communicate to you is that at some point she did some 03:54:54</div> <div>6     work while she was still assigned the case.</div> <div>7     <b>Q. Do we know --</b></div> <div>8     A. I don't think we ever reassigned that case</div> <div>9     until much later after Ms. Dorsey was no longer</div> <div>10    employed. 03:55:09</div> <div>11    <b>Q. I understand.</b></div> <div>12    <b>Are you able to tell me specifically what work</b></div> <div>13    <b>Ms. De Los Santos did on this case that was assigned to</b></div> <div>14    <b>Ms. Dorsey?</b></div> <div>15    A. I can't at this point. 03:55:17</div> <div>16    <b>Q. Do you know how I would go about finding out</b></div> <div>17    <b>that information based upon your knowledge and</b></div> <div>18    <b>experience as Deputy Inspector General?</b></div> <div>19    A. You could ask someone to do a printout -- a</div> <div>20    full printout of Time Matters. And each document 03:55:31</div> <div>21    should reflect, or the summary document should reflect</div> <div>22    who posted that information and maybe any summary items</div> <div>23    that state who input it.</div> <div>24    Usually there would be a -- initials at the end</div> <div>25    of the line, saying, "I communicated with -- I did 03:55:46</div> <div>Page 189</div>

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<p>1 this. I did that." And then again, I'm not sure if 2 that was the case. 3 <b>Q. Okay.</b> 4 <b>So then where -- with respect to lack of work,</b> 5 <b>you can recall, as you sit here today, two cases where</b> 03:56:05 6 <b>you believed that Ms. Dorsey did not handle the cases</b> 7 <b>competently. That being the Sandra Sexton case and the</b> 8 <b>James Roybal case; is that correct?</b> 9 A. There was -- there was other cases as well. 10 <b>Q. But can you give me those names?</b> 03:56:24 11 A. I'm trying to think. I don't remember. Was it 12 a charter school investigation? Not a -- not a due 13 diligence, but an investigation down in San Pedro. 14 <b>Q. Uh-huh.</b> 15 A. I can't think of the name of the school. 03:56:40 16 <b>Q. But you recall that the school is in San Pedro?</b> 17 A. San Pedro was whatever the neighborhood is next 18 to San Pedro. Ranchos Palos Verdes. Something -- 19 something down there. 20 <b>Q. And with respect to that investigation, where</b> 03:57:01 21 <b>the school was either in the area of San Pedro or</b> 22 <b>Ranchos Palos Verdes, what did Ms. Dorsey fail to do in</b> 23 <b>investigating that case?</b> 24 A. I can't be specific right now. I just remember 25 there were some issues with the case. I don't remember 03:57:20</p> <p style="text-align: right;">Page 190</p>	<p>1 a computer forensic of his computer or the computer 2 that we had seized and never -- there was no forensic 3 done on it. It was just simply put into evidence. 4 There was -- there was several different things 5 I remembered at the time, but I can't pinpoint at the 03:58:50 6 second. 7 <b>Q. But with respect to the Anthony Wright case,</b> 8 <b>isn't it true that he admitted to the misconduct?</b> 9 A. He admitted partially to -- to the misconduct 10 but without naming other people's name. 03:59:03 11 <b>Q. So what he had admitted to -- that was the</b> 12 <b>situation where he was obtaining air-conditioning units</b> 13 <b>and attempting to resell them; is that correct?</b> 14 A. I believe what he said in his -- in his -- or 15 information we received from his management was that he 03:59:21 16 said that -- I don't know if the wording was the 17 middleman -- but there was someone that he was dealing 18 with, but he wouldn't name that person. 19 <b>Q. Okay.</b> 20 <b>And so to the extent that he refused to be</b> 03:59:35 21 <b>interviewed by Ms. Dorsey, what did you expect her to</b> 22 <b>do?</b> 23 A. Well, some follow-up to that. Try to figure 24 out who the middleman was. You know, maybe go over to 25 where the air-conditioners were being picked up, which 03:59:50</p> <p style="text-align: right;">Page 192</p>
<p>1 specifically. 2 <b>Q. So then -- so far in terms of cases, where you</b> 3 <b>believed that Ms. Dorsey did not handle the cases</b> 4 <b>competently, so far we have the Sandra Sexton case, the</b> 03:57:36 5 <b>James Roybal case, and the case where the charter</b> 6 <b>school was in the San Pedro or Ranchos Palos Verdes</b> 7 <b>area; is that correct?</b> 8 A. And there was the Debra Coaloa? 9 <b>Q. Debra Coaloa.</b> 10 <b>Anything else?</b> 03:57:49 11 A. Wright. The Anthony Wright case. If I 12 remember correctly, that case went over to the D.A.'s 13 office with a report that said that -- and this is one 14 of the things I was trying to change in trying to get 15 Prosecutor Summaries out that we review first -- that 03:58:05 16 said that I tried to -- or something to this effect. 17 That I tried to interview Anthony Wright, and 18 he wouldn't be interviewed because at the time that we 19 started the case, he was already no longer an employee. 20 <b>Q. Okay.</b> 03:58:21 21 <b>So to the extent that he was -- so was it your</b> 22 <b>understanding, based on what Ms. Dorsey communicated,</b> 23 <b>was that Mr. Wright was refusing to be interviewed?</b> 24 A. That was the understanding, but there was a lot 25 of other things I felt could be done, including getting 03:58:36</p> <p style="text-align: right;">Page 191</p>	<p>1 is a -- which was a -- a vendor to the District. 2 Someone that was going to be continue dealing with the 3 District. 4 Try to interview the people. Try to get camera 5 recordings. Try to handwriting on the documentation. 04:00:03 6 His former handwriting, and maybe, you know, woo the 7 people that actually allowed a policy violation, which 8 was a will call. 9 They were picking up stuff where they -- they 10 recommended or the -- the policy stated that they 04:00:20 11 should delivered it to the school, and they weren't 12 doing that. So there was a lot of different steps that 13 I felt were not taken. 14 <b>Q. Did you ever share with Ms. Dorsey some of the</b> 15 <b>ideas that you had in terms of her investigation of the</b> 04:00:35 16 <b>case?</b> 17 A. No. I did with Mr. Urquijo, though. 18 <b>Q. And so do you know if Mr. Urquijo ever shared</b> 19 <b>any insights in terms of what she should have done or</b> 20 <b>how she could have further investigated it?</b> 04:00:49 21 A. I did not. 22 <b>Q. Did you ever ask him if he did that?</b> 23 A. No. 24 <b>Q. You just depended on him to do it, given the</b> 25 <b>fact that he was her direct supervisor?</b> 04:01:02</p> <p style="text-align: right;">Page 193</p>

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<p>1 A. Yes.</p> <p>2 <b>Q. All right.</b></p> <p>3 <b>So then in terms of cases where you believed</b></p> <p>4 <b>that -- well, first, have you ever discussed the</b></p> <p>5 <b>Sandra Sexton case with Ms. Dorsey?</b> 04:01:15</p> <p>6 A. No.</p> <p>7 <b>Q. Have you ever discussed the James Roybal case</b></p> <p>8 <b>with Ms. Dorsey?</b></p> <p>9 A. No.</p> <p>10 <b>Q. Have you ever discussed the Debra Coaloa case</b> 04:01:22</p> <p>11 <b>with Ms. Dorsey?</b></p> <p>12 A. No.</p> <p>13 <b>Q. Have you ever discussed the Anthony Wright case</b></p> <p>14 <b>with Ms. Dorsey?</b></p> <p>15 A. No. 04:01:26</p> <p>16 <b>Q. Have you ever discussed that case of that --</b></p> <p>17 <b>with the charter school was somewhere in San Pedro or</b></p> <p>18 <b>Ranchos Palos Verdes with Ms. Dorsey?</b></p> <p>19 A. No.</p> <p>20 MR. HILL: Let me have a second with my client. 04:01:43</p> <p>21 MR. BROWN: Yes.</p> <p>22 THE VIDEOGRAPHER: Okay. We're now going off</p> <p>23 camera. The time is 4:01 P.M.</p> <p>24 (Off the record.)</p> <p>25 THE VIDEOGRAPHER: All right. We're now back 04:12:23</p> <p style="text-align: right;">Page 194</p>	<p>1 the complainant because I had had a discussion on the</p> <p>2 phone with the complainant.</p> <p>3 And plus I had time to have reviewed a document</p> <p>4 that she either brought in or sent in. I forget how it</p> <p>5 was. But It was a very thick book, and so I had 04:14:01</p> <p>6 reviewed that.</p> <p>7 And also there was one meeting before then</p> <p>8 where the Charter Schools Division had met with us to</p> <p>9 discuss. And at that -- before that meeting, I had a</p> <p>10 brief conversation with Ms. Dorsey where I told her 04:14:14</p> <p>11 that, you know, some of the more important cases that</p> <p>12 the District is doing right now are these charter</p> <p>13 school investigations, and I wanted her to have one of</p> <p>14 those.</p> <p>15 And so, I took her to the meeting. And I'm not 04:14:27</p> <p>16 sure which one of the two meetings, but I know she was</p> <p>17 mad at me for maybe taking over what she perceived as</p> <p>18 taking over the interview or --</p> <p>19 But this was a complainant. And, you know, my</p> <p>20 -- my experience shows that you could always go back to 04:14:42</p> <p>21 the complainant several times, especially since they're</p> <p>22 the one bringing the matter to our attention. Anyway,</p> <p>23 I think that was the extent of our conversation.</p> <p>24 <b>Q. Okay.</b></p> <p>25 <b>And that would have been on the Port of Los</b> 04:14:55</p> <p style="text-align: right;">Page 196</p>
<p>1 on camera. The time is 4:12 P.M.</p> <p>2 MR. BROWN:</p> <p>3 <b>Q. All right. Mr. Cabibi, so in terms of the</b></p> <p>4 <b>cases that you believe that -- did you want to say</b></p> <p>5 <b>something?</b> 04:12:50</p> <p>6 A. I just want to correct a statement that I made.</p> <p>7 <b>Q. Yeah.</b></p> <p>8 A. I'm not sure exactly what I said, but --</p> <p>9 <b>Q. Yeah.</b></p> <p>10 A. -- in terms of one investigation, the charter 04:12:55</p> <p>11 school one is called P.O.L.A., Port of Los Angeles, I</p> <p>12 believe, Senior High School.</p> <p>13 <b>Q. Okay.</b></p> <p>14 A. Something to that regard. And there was a -- I</p> <p>15 did have at least one or two conversations with Ms. -- 04:13:09</p> <p>16 Ms. Dorsey regarding that case, but it was at the very</p> <p>17 preliminary stages of the investigation when we were</p> <p>18 interviewing the complainant. And from that --</p> <p>19 <b>Q. You and her together?</b></p> <p>20 A. Yeah. I -- I think in her absence. She was 04:13:25</p> <p>21 either on -- she was off on either sick leave or</p> <p>22 vacation.</p> <p>23 I ended up setting up an interview with the</p> <p>24 complainant. And when the complainant came in, I</p> <p>25 conducted the interview, even though she was there, of 04:13:42</p> <p style="text-align: right;">Page 195</p>	<p>1 <b>Angeles Senior High School matter?</b></p> <p>2 A. I believe so. It's like P-O-L-A-H...</p> <p>3 Something like that. That's the name -- the acronym</p> <p>4 for the name of the school.</p> <p>5 <b>Q. I'm going to refer to it as P.O.L.A.</b> 04:15:12</p> <p>6 <b>Is that all right?</b></p> <p>7 A. Yeah.</p> <p>8 <b>Q. Okay.</b></p> <p>9 <b>And regarding the P.O.L.A. case, what do you</b></p> <p>10 <b>believe that Ms. Dorsey did in her handling of the</b> 04:15:20</p> <p>11 <b>case, which showed her to be deficient?</b></p> <p>12 A. I'm not sure if I said she was deficient.</p> <p>13 MR. HILL: I think that misstates testimony.</p> <p>14 BY MR. BROWN:</p> <p>15 <b>Q. Okay. I'm asking.</b> 04:15:34</p> <p>16 A. No. I don't -- I don't think...</p> <p>17 <b>Q. All right.</b></p> <p>18 <b>So then in terms of the cases where you</b></p> <p>19 <b>believed Ms. Dorsey did not handle them competently, we</b></p> <p>20 <b>have the Sandra Sexton case; correct?</b> 04:15:47</p> <p>21 A. I believe so, yes.</p> <p>22 <b>Q. The James Roy -- Roybal case; correct?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. The Debra Coaloa case; correct?</b></p> <p>25 A. Yes. 04:15:55</p> <p style="text-align: right;">Page 197</p>

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<div>1     <b>Q. The Anthony Wright case; correct?</b></div> <div>2     A. Yes.</div> <div>3     <b>Q. The P.O.L.A. case?</b></div> <div>4     A. I don't know that she was deficient. I -- I'm</div> <div>5 just letting you know because I think my statement was 04:16:02</div> <div>6 before that I didn't speak to her about it, but I -- I</div> <div>7 do remember at least one or two occasions speaking to</div> <div>8 her about it in the initial stages of the case.</div> <div>9     <b>Q. Okay.</b></div> <div>10    <b>Then I'm going to cross off the Port of Los 04:16:15</b></div> <div>11 <b>Angeles High School case.</b></div> <div>12    <b>So Then there are -- as you sit here today,</b></div> <div>13 <b>there are four cases where you can recall where</b></div> <div>14 <b>Ms. Dorsey did not handle them competently; is that</b></div> <div>15 <b>correct?</b> 04:16:31</div> <div>16    A. Those are the ones that I can recall, yes.</div> <div>17    <b>Q. Do you recall the date you started your</b></div> <div>18 <b>employment with the District?</b></div> <div>19    <b>I know it was the month of May in 2014.</b></div> <div>20    A. Yes. 04:16:43</div> <div>21    <b>Q. Do you recall the date?</b></div> <div>22    A. 21st.</div> <div>23    <b>Q. The 21st. All right.</b></div> <div>24    <b>Let's see. I'm going -- and were you</b></div> <div>25 <b>integrally -- integrally involved in the investigation</b> 04:16:56</div> <div>Page 198</div>	<div>1     A. Correct.</div> <div>2     <b>Q. And then it says here that the investigative</b></div> <div>3 <b>period was May 23rd, 2013, through May 20th of 2014; is</b></div> <div>4 <b>that right?</b></div> <div>5     A. Correct. 04:18:18</div> <div>6     <b>Q. So it appears that the investigative period</b></div> <div>7 <b>concluded the day before you started your employment</b></div> <div>8 <b>with the District as Deputy Inspector General; is that</b></div> <div>9 <b>right?</b></div> <div>10    A. Yes. 04:18:28</div> <div>11    <b>Q. Then it says:</b></div> <div>12    <b>"This investigation was performed</b></div> <div>13 <b>in accordance with the generally</b></div> <div>14 <b>accepted principles and quality</b></div> <div>15 <b>standards for Offices of Inspector 04:18:35</b></div> <div>16 <b>General."</b></div> <div>17    <b>Did I read that correctly?</b></div> <div>18    A. Yes.</div> <div>19    <b>Q. And those are Mr. Bramlett's words?</b></div> <div>20    A. No. 04:18:41</div> <div>21    MR. HILL: Lacks foundation. Calls</div> <div>22 speculation.</div> <div>23 BY MR. BROWN:</div> <div>24    <b>Q. Okay.</b></div> <div>25    <b>What did you say, sir?</b> 04:18:44</div> <div>Page 200</div>
<div>1     <b>of the Sexton case?</b></div> <div>2     A. No.</div> <div>3     MR. BROWN: I'm going to show you what I'm</div> <div>4 going to mark as Exhibit 105. This is un-Bates</div> <div>5 stamped. 04:17:10</div> <div>6     (Plaintiff's Exhibit 105 was marked</div> <div>7 for identification.)</div> <div>8 BY MR. BROWN:</div> <div>9     <b>Q. I'm going to ask you to take a look at that.</b></div> <div>10    A. (Witness complies.) 04:17:20</div> <div>11    <b>Q. Let me know when you're ready to take some</b></div> <div>12 <b>questions, sir.</b></div> <div>13    A. Okay.</div> <div>14    <b>Q. All right. Looking at -- that appears to be a</b></div> <div>15 <b>report from Ms. Dorsey to Inspector General Ken 04:17:44</b></div> <div>16 <b>Bramlett; correct?</b></div> <div>17    MR. HILL: I don't think so, Counsel.</div> <div>18    MR. BROWN: You're right.</div> <div>19 BY MR. BROWN:</div> <div>20    <b>Q. This appears to be the report of Cheryl Dorsey 04:17:55</b></div> <div>21 <b>from Ken Bramlett to the Board of Education; is that</b></div> <div>22 <b>right?</b></div> <div>23    A. That's the format that they usually -- but yes.</div> <div>24 That would have been drawn by Ms. Dorsey.</div> <div>25    <b>Q. Dated May 28th of 2014?</b> 04:18:08</div> <div>Page 199</div>	<div>1     A. No.</div> <div>2     <b>Q. Okay.</b></div> <div>3     <b>And why do you say that?</b></div> <div>4     A. Because I said this document was -- was put</div> <div>5 together by Ms. Dorsey. The format in which it's done, 04:18:52</div> <div>6 it's done for Mr. Bramlett by Ms. Dorsey.</div> <div>7     <b>Q. Okay. And --</b></div> <div>8     A. And I can only --</div> <div>9     MR. HILL: There's no question pending.</div> <div>10 BY MR. BROWN: 04:19:05</div> <div>11    <b>Q. All right. To your knowledge, did Mr. Bramlett</b></div> <div>12 <b>accept this document, or did he bounce it back?</b></div> <div>13    A. I believe he accepted it.</div> <div>14    <b>Q. All right.</b></div> <div>15    <b>So then where it says: 04:19:16</b></div> <div>16    <b>"The investigation was performed</b></div> <div>17 <b>in accordance with the generally</b></div> <div>18 <b>accepted principles of quality</b></div> <div>19 <b>standards for Offices of Inspector</b></div> <div>20 <b>General."</b> 04:19:25</div> <div>21    <b>Then Mr. Bramlett would have adopted that</b></div> <div>22 <b>language; is that correct?</b></div> <div>23    MR. HILL: Calls for speculation. Lacks</div> <div>24 foundation.</div> <div>25    /// 04:19:32</div> <div>Page 201</div>

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<div>1 BY MR. BROWN: 2 <b>Q. To your knowledge.</b> 3 A. All our investigative products had that line in 4 there because we work under the quality standards for 5 Offices of Inspector General. 04:19:43 6 <b>Q. So then it would appear that Mr. Bramlett, to</b> 7 <b>the extent that he's submitting this report to the</b> 8 <b>Board of Education, that he adopted that language;</b> 9 <b>correct?</b> 10 A. I guess you can speculate that. I -- I mean, 04:19:54 11 the answer -- the quick answer is yes. 12 <b>Q. Thank you.</b> 13 <b>So is there -- in taking a look at that</b> 14 <b>document, is there anything in there where it makes any</b> 15 <b>reference to this, the Sexton investigation, being</b> 04:20:06 16 <b>incomplete or being poorly investigated?</b> 17 A. No. 18 <b>Q. All right. Thank you very much. We're done</b> 19 <b>with that one, sir.</b> 20 A. Okay. 04:20:20 21 <b>Q. Thank you.</b> 22 A. Thank you. 23 MR. BROWN: And taking a look at what I'll mark 24 as Exhibit 106. 25 /// 04:20:36 <div>Page 202</div></div>	<div>1 A. Yes. 2 <b>Q. And O.G.C. -- O.G.C. stands for Office of</b> 3 <b>General Counsel?</b> 4 A. Yes. 5 <b>Q. And then you say:</b> 04:21:54 6 <b>"Cheryl, please contact the D.D.A.</b> 7 <b>on the Sexton case for an update and</b> 8 <b>provide that update to me to respond</b> 9 <b>to the request below."</b> 10 <b>Did I read that correctly?</b> 04:22:04 11 A. Yes. 12 <b>Q. So this is an e-mail in which the general</b> 13 <b>nature of it was you wanted Ms. Dorsey to find out from</b> 14 <b>the Deputy District Attorney at what stage they were at</b> 15 <b>in terms of filing the case; is that right?</b> 04:22:15 16 A. For an update, yes. 17 <b>Q. Okay. Very good. Thank you. We're done with</b> 18 <b>that one, sir.</b> 19 MR. BROWN: And I'm going to show you what I'm 20 going to mark as Exhibit 107. 04:22:36 21 (Plaintiff's Exhibit 107 was marked 22 for identification.) 23 BY MR. BROWN: 24 <b>Q. One second. Just let me know when you've had a</b> 25 <b>chance to review it.</b> 04:22:53 <div>Page 204</div></div>
<div>1 (Plaintiff's Exhibit 106 was marked 2 for identification.) 3 BY MR. BROWN: 4 <b>Q. As you sit here today, do you recall if the</b> 5 <b>Sexton case was submitted to the District Attorney's</b> 04:20:55 6 <b>office?</b> 7 A. Yes. 8 <b>Q. And was it?</b> 9 A. It was submitted, yes. 10 MR. BROWN: Ah, good. I'm going to have you 04:21:06 11 take a look at Exhibit 106. And let me know when 12 you're done answering -- when you're ready to answer 13 some questions. 14 MR. HILL: Thank you. 15 MR. BROWN: Thank you, sir. 04:21:20 16 THE WITNESS: (Witness complies.) 17 Okay. 18 BY MR. BROWN: 19 <b>Q. All right. Taking a look at Exhibit 106 at the</b> 20 <b>very top of the page, that appears to be an e-mail</b> 04:21:37 21 <b>communication from you to Ms. Dorsey, dated September</b> 22 <b>26 of 2014; is that correct?</b> 23 A. Yes. 24 <b>Q. And it says, "Inquiry with O.G.C. regarding</b> 25 <b>Sexton case"; is that right?</b> 04:21:49 <div>Page 203</div></div>	<div>1 MR. HILL: I'm sorry, Counsel. Are you 2 finished with 103? 3 MR. BROWN: Not quite. We're going to go back 4 to it. 04:23:12 5 THE WITNESS: Okay. 6 BY MR. BROWN: 7 <b>Q. All right. So this is a document from</b> 8 <b>Mr. Bramlett to the Board of Education; correct?</b> 9 A. Yes. 10 <b>Q. And it's also, again, regarding the Sandra</b> 04:23:21 11 <b>Sexton case?</b> 12 A. Yes. 13 <b>Q. Dated June 9th of 2014?</b> 14 A. Yes. 15 <b>Q. And it mentions -- I don't have the attachment,</b> 04:23:27 16 <b>but it says, "Attached is our Report of Investigation."</b> 17 <b>Did I read that part correctly?</b> 18 A. Correct. 19 <b>Q. I'll just read the whole sentence.</b> 20 <b>"Attached is our Report of</b> 21 <b>Investigation regarding an allegation</b> 22 <b>that Sandra Sexton, School</b> 23 <b>Administrative Assistant, (SAA), at</b> 24 <b>Cantara Elementary School failed to</b> 25 <b>deposit monies collected from various</b> 04:23:52 <div>Page 205</div></div>

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<p>1 fundraisers into the school's student 2 body account." 3 Did I read that correctly? 4 A. Yes. 5 Q. So then what it appears is that on or about -- 04:24:00 6 on or about June 9th, Mr. Bramlett would have submitted 7 Ms. Dorsey's Report of Investigation to the Board 8 members; is that correct? 9 A. Yes. 10 Q. Did any Board member ever complain to you about 04:24:15 11 the quality of Ms. Dorsey's investigation on the Sandra 12 Sexton case? 13 A. No. 14 Q. Did Mr. Bramlett ever complain to you about the 15 quality of Ms. Dorsey's investigation on the Sandra 04:24:29 16 Sexton case? 17 A. We had a discussion at some point later -- 18 Q. Well -- 19 A. -- regarding the discrepancies and just the 20 Report of Investigation that's supposedly attached to 04:24:41 21 this. So this would be over this. 22 You'll notice on this document, it says, 23 "\$12,711 were failed to be deposited." On this 24 document, it says, "\$5,588." And, again, this was done 25 before I even got involved in investigations. 04:24:58</p> <p style="text-align: right;">Page 206</p>	<p>1 Q. You don't know one way or the other? 2 A. I don't. 3 Q. Okay. 4 So then, if she would have submitted it to you, 5 for example, you would have read it for investigative 04:25:56 6 content as well as any grammatical or other errors; is 7 that correct? 8 A. I would have. 9 Q. And so then -- 10 A. I try. 04:26:07 11 Q. Yeah. You try. You do the best you can. 12 So then it would have been to the extent that 13 you saw an error in the investigation, then it would 14 have been up to you to correct it or direct Ms. Dorsey 15 to correct it; correct? 04:26:18 16 A. Absolutely. 17 Q. Very good. 18 Do you recall ever directing Ms. Dorsey to make 19 any corrections to her report -- her investigation 20 report on the Sandy Sexton case? 04:26:33 21 A. I do not. 22 Q. Thank you, sir. We're done with that as well. 23 A. I'm sorry. 24 Q. No, no, no. No problem. 25 A. Put them both of them in here? 04:26:44</p> <p style="text-align: right;">Page 208</p>
<p>1 Q. This is true. 2 So then the pers- -- so then at some point, 3 there would have been someone, after Ms. Dorsey would 4 have completed the paperwork, who would have reviewed 5 it; is that right? 04:25:10 6 MR. HILL: Vague. 7 THE WITNESS: I -- I'm -- I didn't understand 8 it. I'm sorry. 9 BY MR. BROWN: 10 Q. Certainly. 04:25:12 11 After Mr. -- I'm sorry. 12 To your knowledge, after Ms. Dorsey completed 13 her investigation, was that investigation submitted to 14 Mr. Bramlett? 15 A. Since it happened before, I'm not sure. 04:25:27 16 Q. Okay. 17 So would it be accurate to say that you don't 18 know who Ms. Dorsey submitted the completed Sandra 19 Sexton investigation to; is that right? 20 A. It's possible that -- I -- I don't recall at 04:25:38 21 this point. I'm not sure if she submitted it to, me 22 after I got there, or to Mr. Bramlett. I don't -- I 23 don't know. 24 Q. Well, one -- okay. 25 A. I don't know. 04:25:50</p> <p style="text-align: right;">Page 207</p>	<p>1 Q. Yeah, yeah. That's fine. 2 A. Okay. Thank you. 3 Q. Thank you very much. 4 And just one quick question regarding the 5 Anthony Wright case. 04:26:52 6 You mentioned that you wanted Ms. Dorsey to 7 find out who the middleman was? 8 A. Yes. 9 Q. And did you -- and when you say "middleman," by 10 definition do you mean someone who is not employed by 04:26:59 11 the District? 12 A. The other individuals whom he referred to as 13 having been involved, but he wouldn't name. 14 Q. To your knowledge -- and did you believe that 15 these other people might involve folks who were not 04:27:16 16 employed with the District? 17 A. We later found out exactly who it was. 18 Q. And was it someone employed by the District? 19 A. No. 20 Q. And would it be accurate to say that 04:27:28 21 Ms. Dorsey's mandate was essentially to investigate 22 District employees? 23 A. No. 24 Q. So her mandate inves- -- her mandate was to 25 investigate all individuals who may have been involved 04:27:40</p> <p style="text-align: right;">Page 209</p>

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<p>1 in wrongdoing in which a District employee participated</p> <p>2 in?</p> <p>3 A. Yes, or District funds were involved in.</p> <p>4 <b>Q. Do you know if Ms. Dorsey ever spoke to</b></p> <p>5 <b>Mr. Wright?</b> 04:27:59</p> <p>6 A. I -- I don't.</p> <p>7 <b>Q. Do you know, if Ms. Dorsey ever asked</b></p> <p>8 <b>Mr. Wright or tried to find out from Mr. Wright, who</b></p> <p>9 <b>else may have been involved in Mr. Wright's criminal</b></p> <p>10 <b>misconduct?</b> 04:28:19</p> <p>11 A. At this point all I can recall is a statement</p> <p>12 in one of the reports that I read from her that he</p> <p>13 would not be interviewed.</p> <p>14 <b>Q. Okay. All right. Let's go back to Exhibit 103</b></p> <p>15 <b>on the paragraph.</b> 04:28:37</p> <p>16 <b>One of the other things that you mentioned</b></p> <p>17 <b>were:</b></p> <p>18 <b>"Her constant leave of absence,</b></p> <p>19 <b>either for sick or vacation time."</b></p> <p>20 <b>Did I read that correctly?</b> 04:28:48</p> <p>21 A. Yes.</p> <p>22 <b>Q. Right.</b></p> <p>23 <b>And so what were you referring to?</b></p> <p>24 A. Well, she had a lot of sick time and vacation</p> <p>25 time. She had expired all of her sick time, and I want 04:28:55</p> <p style="text-align: right;">Page 210</p>	<p>1 <b>Q. At any point, did you convey to Ms. Dorsey that</b></p> <p>2 <b>she needed to seek your approval before getting any</b></p> <p>3 <b>sick time?</b></p> <p>4 A. No.</p> <p>5 <b>Q. Are you aware of any circumstance where</b> 04:30:13</p> <p>6 <b>Ms. Dorsey took sick time and you discovered that she</b></p> <p>7 <b>was not actually sick?</b></p> <p>8 A. I believe I did become aware of that through --</p> <p>9 but it was much later than January of 2016.</p> <p>10 <b>Q. On how many occasions do you --</b> 04:30:44</p> <p>11 A. I can't recall at this moment.</p> <p>12 <b>Q. Can you recall any specific incident where</b></p> <p>13 <b>Ms. Dorsey, you believe, lied about being sick and --</b></p> <p>14 <b>while taking the time off?</b></p> <p>15 A. I do recall an incident where she said to me 04:31:00</p> <p>16 that it was a family member that was sick. And then</p> <p>17 after she came back two or three days later, she</p> <p>18 brought back a sick leave from her instead of from the</p> <p>19 family member.</p> <p>20 <b>Q. And that was a situation in 2015 where, during</b> 04:31:15</p> <p>21 <b>a section meeting, Ms. Dorsey excused herself to go to</b></p> <p>22 <b>the bathroom, and you stopped the meeting; correct?</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And that was upsetting to Ms. Dorsey.</b></p> <p>25 <b>Do you recall that?</b> 04:31:32</p> <p style="text-align: right;">Page 212</p>
<p>1 to say even vacation time at one point, and it was</p> <p>2 concerning.</p> <p>3 <b>Q. So in terms of the sick and vacation time that</b></p> <p>4 <b>Ms. Dorsey had, were those -- were those benefits that</b></p> <p>5 <b>were conferred to her by the District?</b> 04:29:18</p> <p>6 A. Yes.</p> <p>7 <b>Q. And she was entitled to use that time?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. And at any point, did you require Ms. Dorsey to</b></p> <p>10 <b>get approval from you before she could use her sick</b></p> <p>11 <b>time?</b> 04:29:30</p> <p>12 A. No.</p> <p>13 <b>Q. At any time, did you require Ms. Dorsey to seek</b></p> <p>14 <b>approval from you before she could use her vacation</b></p> <p>15 <b>time?</b> 04:29:40</p> <p>16 A. No.</p> <p>17 <b>Q. At any time, did you --</b></p> <p>18 A. But that actually is part of the process that I</p> <p>19 do approve all time.</p> <p>20 <b>Q. At any point, did you ever require Ms. Dorsey</b> 04:29:48</p> <p>21 <b>-- well, then, I'll have to ask that again.</b></p> <p>22 <b>So at any point, did you convey to Ms. Dorsey</b></p> <p>23 <b>that you -- that she needed to get your approval before</b></p> <p>24 <b>taking any vacation time?</b></p> <p>25 A. No. 04:30:04</p> <p style="text-align: right;">Page 211</p>	<p>1 A. I understood that much later. I didn't realize</p> <p>2 that at the time.</p> <p>3 <b>Q. And so to the extent that Ms. Dorsey left the</b></p> <p>4 <b>meeting to go to the bathroom, why did you stop the</b></p> <p>5 <b>meeting?</b> 04:31:44</p> <p>6 A. I didn't know that she was going to the</p> <p>7 bathroom. She didn't announce she was going to the</p> <p>8 bathroom. She stepped out. And after a while, I asked</p> <p>9 Jorge, you know, "Let's see if we can" --</p> <p>10 The purpose of the meeting was to educate 04:31:56</p> <p>11 everyone in the unit about my expectations, and things</p> <p>12 that we were doing. I -- I think that particular</p> <p>13 training was regarding charter schools.</p> <p>14 And that -- not everyone was doing the charter</p> <p>15 school due diligences the way it was meant to be done, 04:32:15</p> <p>16 and so we were giving instruction. I think Maria Kress</p> <p>17 was helping us out with that set of instructions.</p> <p>18 And she just stepped out. And so I -- I said,</p> <p>19 "Hey, let's just break here for a second, and we'll</p> <p>20 reconvene as soon as Cheryl comes back." 04:32:36</p> <p>21 I wasn't -- you know, I wasn't trying to be</p> <p>22 demeaning of her. I just wanted to be inclusive, you</p> <p>23 know.</p> <p>24 <b>Q. Uh-huh.</b></p> <p>25 A. And at some point, she didn't come back. And 04:32:45</p> <p style="text-align: right;">Page 213</p>

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<p>1 then I think Jorge went to look for her. And he came 2 back and told me she's not coming back. 3 MR. HILL: The question was why did you stop 4 the meeting. 5 BY MR. BROWN: 04:32:53 6 <b>Q. Did Ms. Dorsey ever convey to you that she</b> 7 <b>believed that it was -- that you had demeaned her by</b> 8 <b>stopping the meeting and waiting for her to come back?</b> 9 A. I don't know that she ever told me that. 10 <b>Q. Did -- to your knowledge, did she ever express</b> 04:33:09 11 <b>to Mr. Urquijo that she believed that you demeaned her</b> 12 <b>by stopping the meeting until she got back?</b> 13 A. I don't know that he ever told me that 14 specifically. 15 <b>Q. Okay.</b> 04:33:19 16 <b>Which is to say that you don't recall one way</b> 17 <b>or the other?</b> 18 A. I know I read that since; so I can't -- I can't 19 put my memory as to where I got that information, but I 20 did read that. 04:33:30 21 <b>Q. Did you stop the meeting on that day?</b> 22 <b>That would have been in 2015; correct?</b> 23 A. I believe so, yes. 24 <b>Q. Did you stop the meeting on that day because</b> 25 <b>you had any concerns that were specific to Ms. Dorsey</b> 04:33:39</p> <p style="text-align: right;">Page 214</p>	<p>1 and did other work or -- I don't know if you'd call it 2 work, but attended other functions. 3 <b>Q. And what functions were those?</b> 4 A. Some of those were at The Drew Show and CNN and 5 other matters. 04:35:24 6 <b>Q. And to the extent that she was -- and to the</b> 7 <b>extent that she appeared or went to other functions --</b> 8 A. Yes. 9 <b>Q. -- are you saying that she was not sick?</b> 10 A. No, I didn't say that. 04:35:34 11 <b>Q. So to the extent that Ms. Dorsey took sick</b> 12 <b>time, did you know the -- the reasons why she was</b> 13 <b>taking sick time?</b> 14 A. No, I didn't. 15 <b>Q. Did you ever inquire of Ms. Dorsey why she was</b> 04:35:46 16 <b>wanting to take sick time at any given time?</b> 17 A. I don't know that. I found out that much later 18 on; so I never had a discussion with her about it. 19 <b>Q. Had you ever seen at any time any of</b> 20 <b>Ms. Dorsey's medical records?</b> 04:35:59 21 A. I have not other than those that she submitted. 22 <b>Q. Have you ever spoken to any of Ms. Dorsey's</b> 23 <b>primary care physicians?</b> 24 A. No. 25 <b>Q. Do you have any information regarding to</b> 04:36:09</p> <p style="text-align: right;">Page 216</p>
<p>1 <b>in terms of her performance?</b> 2 A. Not performance, no. But it was more, like -- 3 the type of training we were having, it was information 4 that I think would be useful to people that weren't 5 regularly doing due diligences, such as Ms. Dorsey. 04:33:56 6 There was three or four individuals in the unit 7 that weren't regularly doing that. And as I saw more 8 of these come up, more and more, I needed Ms. Dorsey 9 and others that weren't regularly doing that to pay 10 attention to this information that was being shared. 04:34:12 11 <b>Q. So then are you saying then, if there was</b> 12 <b>another staff or staff member of O.I.G. who did not</b> 13 <b>regularly conduct these investigations, if that person</b> 14 <b>would have stepped out to go to the bathroom, you would</b> 15 <b>have stopped the meeting until they returned?</b> 04:34:28 16 A. Yes. 17 <b>Q. Aside from that situation, where you claimed</b> 18 <b>that Ms. Dorsey claimed that she had a sick family</b> 19 <b>member but she instead she submitted a leave</b> 20 <b>information for herself, is there any other situation</b> 04:34:49 21 <b>that you're aware of where, according to you,</b> 22 <b>Ms. Dorsey claimed she was sick and took sick time</b> 23 <b>when, in fact, she was not?</b> 24 A. I don't know that she was not sick, but I'm 25 aware now that she took sick time for where she went 04:35:06</p> <p style="text-align: right;">Page 215</p>	<p>1 <b>Ms. Dorsey's physical or mental health in the year of</b> 2 <b>2015?</b> 3 A. I do not. 4 <b>Q. Do you have any information regarding</b> 5 <b>Ms. Dorsey's physical or mental health in the year of</b> 04:36:19 6 <b>2016?</b> 7 A. No, I do not. 8 <b>Q. Do you have any information regarding the state</b> 9 <b>of Ms. Dorsey's physical or mental health or emotional</b> 10 <b>health in the year 2014?</b> 04:36:31 11 A. No, I do not. 12 <b>Q. And only because I didn't ask this:</b> 13 <b>Do you have any information regarding the state</b> 14 <b>of Ms. Dorsey's emotional health for the years of 2015</b> 15 <b>or 2016?</b> 04:36:44 16 A. I do not. 17 <b>Q. Do you acknowledge that Ms. Dorsey could be</b> 18 <b>sick and still attend an event?</b> 19 A. Absolutely. 20 <b>Q. All right.</b> 04:37:06 21 <b>And, Mr. Cabibi, aside from Ms. Dorsey, has</b> 22 <b>there ever been a situation to where you reviewed the</b> 23 <b>investigative report of any other investigator and you</b> 24 <b>made recommendations that they could do further</b> 25 <b>investigation?</b> 04:37:36</p> <p style="text-align: right;">Page 217</p>

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<p>1 A. Oh, absolutely.</p> <p>2 <b>Q. And have there been situations, when as the</b></p> <p>3 <b>Deputy Inspector General you've reviewed the</b></p> <p>4 <b>investigations of other investigators in the O.I.G.,</b></p> <p>5 <b>and you had criticisms of how they conducted the</b> 04:37:58</p> <p>6 <b>investigation?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. So that wasn't -- that issue was not unique to</b></p> <p>9 <b>Ms. Dorsey?</b></p> <p>10 A. It was not. 04:38:08</p> <p>11 <b>Q. Did you ever inquire of Ms. Dorsey at any time,</b></p> <p>12 <b>while she was in O.I.G., whether she had any health</b></p> <p>13 <b>problems that you needed to be aware of in terms of</b></p> <p>14 <b>assignment of cases?</b></p> <p>15 A. I don't think that's, you know, something that 04:38:40</p> <p>16 I could bring out. I think, if the person wanted to</p> <p>17 share personal information like that, they would come</p> <p>18 to me, but I wouldn't normally ask anyone regarding</p> <p>19 any, you know, medical situation unless it became an</p> <p>20 issue, you know, that we needed to discuss. 04:38:58</p> <p>21 <b>Q. Uh-huh.</b></p> <p>22 <b>Aside from what you've previously testified to</b></p> <p>23 <b>regarding the situation where you stopped the meeting,</b></p> <p>24 <b>are you aware of any situation where you believed that</b></p> <p>25 <b>Ms. Dorsey was faking an illness in order to avoid</b> 04:39:26</p> <p style="text-align: right;">Page 218</p>	<p>1 <b>Q. All right. Now, we can go back to 103, and we</b></p> <p>2 <b>can move onto the next paragraph.</b></p> <p>3 A. Okay.</p> <p>4 <b>Q. And it says:</b></p> <p>5 <b>"This morning, Thursday, on her</b> 04:40:34</p> <p>6 <b>return to work approximately</b></p> <p>7 <b>8:30 A.M., I personally approached</b></p> <p>8 <b>Ms. Dorsey at her workspace to ask</b></p> <p>9 <b>for the three specific case files.</b></p> <p>10 <b>"After getting her attention from</b> 04:40:47</p> <p>11 <b>speaking to someone on her personal</b></p> <p>12 <b>cell phone through an earpiece, she</b></p> <p>13 <b>excused herself with the other party</b></p> <p>14 <b>and asked what I needed."</b></p> <p>15 <b>Did I read that correctly?</b> 04:40:58</p> <p>16 A. Yes.</p> <p>17 <b>Q. So then when Ms. Dorsey became aware that you</b></p> <p>18 <b>were in the area, she then got off the phone to speak</b></p> <p>19 <b>with you; is that right?</b></p> <p>20 MR. HILL: Calls for speculation. 04:41:05</p> <p>21 BY MR. BROWN:</p> <p>22 <b>Q. Based on what it says here.</b></p> <p>23 MR. HILL: It still calls for speculation.</p> <p>24 MR. BROWN: Okay.</p> <p>25 MR. HILL: The question is couched as to, when 04:41:13</p> <p style="text-align: right;">Page 220</p>
<p>1 <b>going -- coming to work?</b></p> <p>2 MR. HILL: I think that misstates the</p> <p>3 testimony.</p> <p>4 THE WITNESS: I don't think I ever said faking</p> <p>5 an illness. 04:39:38</p> <p>6 BY MR. BROWN:</p> <p>7 <b>Q. Well, I'm asking you.</b></p> <p>8 MR. HILL: Well, the way the question was</p> <p>9 couched was it assumed that he believed she was faking</p> <p>10 an illness when she went out to the restroom. 04:39:45</p> <p>11 THE WITNESS: Yeah. If you could just restate</p> <p>12 that.</p> <p>13 MR. BROWN: That's okay. That's exactly right.</p> <p>14 BY MR. BROWN:</p> <p>15 <b>Q. Okay. Do you have any evidence or information</b> 04:39:54</p> <p>16 <b>that Ms. Dorsey ever faked an illness to avoid coming</b></p> <p>17 <b>to work?</b></p> <p>18 A. I don't have any evidence of that.</p> <p>19 <b>Q. Thank you.</b></p> <p>20 <b>And to the extent that Ms. Dorsey wanted to</b> 04:40:13</p> <p>21 <b>take vacation time that she had on the books, you would</b></p> <p>22 <b>agree that she was entitled to take that time?</b></p> <p>23 A. Absolutely.</p> <p>24 <b>Q. Just like any other investigator?</b></p> <p>25 A. Absolutely. 04:40:27</p> <p style="text-align: right;">Page 219</p>	<p>1 she became aware, what she did. There's no way for</p> <p>2 this witness to know when she became aware of his</p> <p>3 presence and when she made the decision to get off the</p> <p>4 phone.</p> <p>5 BY MR. BROWN: 04:41:26</p> <p>6 <b>Q. Then I will ask it this way.</b></p> <p>7 <b>It says:</b></p> <p>8 <b>"After getting her attention from</b></p> <p>9 <b>speaking to someone on her personal</b></p> <p>10 <b>cell phone."</b> 04:41:35</p> <p>11 <b>Did I read that correctly?</b></p> <p>12 A. Yeah.</p> <p>13 <b>Q. So then what that -- what you're conveying</b></p> <p>14 <b>there is Ms. Dorsey was on her personal cell phone, and</b></p> <p>15 <b>you got her attention; correct?</b> 04:41:46</p> <p>16 A. Yeah. I think I just waved.</p> <p>17 <b>Q. One -- once you got Ms. Dorsey's attention, she</b></p> <p>18 <b>then hung up from that call to ask you what you needed;</b></p> <p>19 <b>correct?</b></p> <p>20 A. No. 04:41:57</p> <p>21 <b>Q. Okay.</b></p> <p>22 <b>So then she excused herself with the other</b></p> <p>23 <b>party to ask what -- what you needed; is that right?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Okay.</b> 04:42:05</p> <p style="text-align: right;">Page 221</p>

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<p>1 A. That's very nicely said.</p> <p>2 She said, "What do you need?"</p> <p>3 <b>Q. Okay.</b></p> <p>4 <b>And then it says:</b></p> <p>5 <b>"I asked if she was aware of the</b> 04:42:14</p> <p>6 <b>whereabouts of the three case files.</b></p> <p>7 <b>She looked at a note I had written</b></p> <p>8 <b>with the three named subjects of</b></p> <p>9 <b>investigations and stated she did not</b></p> <p>10 <b>have the files."</b> 04:42:25</p> <p>11 <b>Did I read that correctly?</b></p> <p>12 A. Yes.</p> <p>13 "She pointed to the third name and</p> <p>14 said, 'I never had this one.'" 04:42:32</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 <b>Q. "I reminded her that she had been</b></p> <p>18 <b>assigned all three case files and</b></p> <p>19 <b>asked again where they were."</b></p> <p>20 <b>Did I read that correctly?</b> 04:42:41</p> <p>21 A. Yes.</p> <p>22 <b>Q. "She adamantly answered she did</b></p> <p>23 <b>not know it and that she had returned</b></p> <p>24 <b>the first two files to her supervisor</b></p> <p>25 <b>after completing her work."</b> 04:42:51</p> <p style="text-align: right;">Page 222</p>	<p>1 <b>Q. Okay.</b></p> <p>2 <b>Well, did you ever mention to her that, "Hey</b></p> <p>3 <b>Cheryl, look, we saw these three files in your</b></p> <p>4 <b>credenza. Can I have them?"</b></p> <p>5 A. No. 04:43:54</p> <p>6 <b>Q. Then it says:</b></p> <p>7 <b>"On arriving to my office, I</b></p> <p>8 <b>jotted down some quick notes."</b></p> <p>9 <b>Did I read that correctly?</b></p> <p>10 A. Yes. 04:44:04</p> <p>11 <b>Q. "As she entered my office and took</b></p> <p>12 <b>a seat, I asked for a second to</b></p> <p>13 <b>complete what I was doing. And</b></p> <p>14 <b>seconds later, I got up to close the</b></p> <p>15 <b>Dorsey and asked her again if she</b> 04:44:14</p> <p>16 <b>knew the whereabouts of the three</b></p> <p>17 <b>files, again showing her the written</b></p> <p>18 <b>note with the names."</b></p> <p>19 <b>Did I read that correctly?</b></p> <p>20 A. Yes. 04:44:23</p> <p>21 <b>Q. Given that she had told you maybe about a</b></p> <p>22 <b>minute or earlier that she didn't know where the files</b></p> <p>23 <b>were, why did you ask her again when she came to your</b></p> <p>24 <b>office?</b></p> <p>25 A. I think I -- I had her complete attention now 04:44:33</p> <p style="text-align: right;">Page 224</p>
<p>1 <b>Did I read that correctly?</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. "Realizing that she was raising</b></p> <p>4 <b>her voice and that others may hear</b></p> <p>5 <b>us, I asked her to come to my office</b> 04:42:57</p> <p>6 <b>to discuss."</b></p> <p>7 <b>Did I read --</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. -- that correctly?</b></p> <p>10 MR. HILL: Wait until he asks the question.</p> <p>11 BY MR. BROWN:</p> <p>12 <b>Q. So -- so then during the time when you're</b></p> <p>13 <b>standing in her workspace at about 8:30 in the morning</b></p> <p>14 <b>on January 7th of 2016, did you ask Ms. Dorsey to open</b></p> <p>15 <b>her credenza to see if the files were in there?</b> 04:43:13</p> <p>16 A. No.</p> <p>17 <b>Q. Why not?</b></p> <p>18 A. Because we had already looked on the 26th -- on</p> <p>19 the day before and realizing they weren't there.</p> <p>20 <b>Q. But it's a day later now, and she is in her</b> 04:43:26</p> <p>21 <b>workspace in the morning.</b></p> <p>22 <b>So is there any other reason why you didn't ask</b></p> <p>23 <b>her to look in the credenza?</b></p> <p>24 A. She just told me she didn't have them. I</p> <p>25 didn't want to antagonize her at her workspace. 04:43:42</p> <p style="text-align: right;">Page 223</p>	<p>1 because I -- I felt that the person was still on the</p> <p>2 phone before and maybe, you know, she didn't hear my</p> <p>3 full question.</p> <p>4 She had an earpiece in her ear. So I just</p> <p>5 wanted to confirm that we were understanding what it 04:44:48</p> <p>6 was about, and I didn't want to speak further at her</p> <p>7 desk.</p> <p>8 <b>Q. Okay.</b></p> <p>9 <b>Because in the prior paragraph, you mentioned:</b></p> <p>10 <b>"She adamantly answered she did</b> 04:44:55</p> <p>11 <b>not know and that she had returned</b></p> <p>12 <b>the first two files to her supervisor</b></p> <p>13 <b>after completing her work."</b></p> <p>14 <b>Do you see that?</b></p> <p>15 A. Yeah. I guess I should have used the word "She 04:45:03</p> <p>16 said out loud."</p> <p>17 <b>Q. Okay.</b></p> <p>18 A. Instead of "adamantly."</p> <p>19 <b>Q. All right.</b></p> <p>20 <b>But was it your impression that she was</b> 04:45:10</p> <p>21 <b>distracted by whoever she was on the phone with?</b></p> <p>22 A. Absolutely.</p> <p>23 <b>Q. All right.</b></p> <p>24 <b>So she again -- she again stated:</b></p> <p>25 <b>"The last file was never assigned</b> 04:45:18</p> <p style="text-align: right;">Page 225</p>

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<p>1 to her, which caused me to point to</p> <p>2 my computer screen showing</p> <p>3 data-specifics of the investigation</p> <p>4 and the fact it was assigned to her.</p> <p>5 She acted indifferent." 04:45:26</p> <p>6 Are we talking about the Mylene Garcia case?</p> <p>7 A. Yes.</p> <p>8 Q. "Sitting across from me with the</p> <p>9 Dorsey closed, I informed Ms. Dorsey</p> <p>10 to return to her workspace, lock her 04:45:40</p> <p>11 desk, and to go home for the day.</p> <p>12 Further instructing her that she</p> <p>13 would be receiving written</p> <p>14 instructions either later today or</p> <p>15 tomorrow." 04:45:51</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 So then what was it that led you to send</p> <p>20 Ms. Dorsey home? 04:45:59</p> <p>21 A. I felt that she was lying to me that she didn't</p> <p>22 have the other files.</p> <p>23 Q. So in terms of what you thought, why did you</p> <p>24 believe that she was lying to you about not having the</p> <p>25 files? 04:46:20</p> <p style="text-align: right;">Page 226</p>	<p>1 MR. BROWN: During the names?</p> <p>2 MR. HILL: You said "her."</p> <p>3 MR. BROWN: I did not need to make that error.</p> <p>4 THE WITNESS: Good catch. 04:47:30</p> <p>5 BY MR. BROWN:</p> <p>6 Q. Did you ever ask Mr. Urquijo if Ms. Dorsey ever</p> <p>7 gave him any of those three files on or about</p> <p>8 January 7th of 2017?</p> <p>9 A. At some point. Several times I asked, "Are you</p> <p>10 sure," while we were looking for them. 04:47:49</p> <p>11 Q. Okay.</p> <p>12 And when you said, "While you were looking for</p> <p>13 them," is this after you sent Ms. Dorsey home or</p> <p>14 before?</p> <p>15 A. Before and after. 04:47:59</p> <p>16 Q. All right.</p> <p>17 So you asked Mr. Urquijo more than once, "Are</p> <p>18 you sure that Cheryl Dorsey did not give you those</p> <p>19 files?" 04:48:06</p> <p>20 A. Yes.</p> <p>21 Q. And he said he was sure?</p> <p>22 A. Yes.</p> <p>23 Q. And you believed him?</p> <p>24 A. Yes.</p> <p>25 Q. Ms. Dorsey said that she gave two of the files 04:48:11</p> <p style="text-align: right;">Page 228</p>
<p>1 A. That was my -- my assessment of the situation.</p> <p>2 In that I saw them in there, then I asked Jorge to go</p> <p>3 get them. He comes back to me the next day and says,</p> <p>4 "They're not there." 04:46:34</p> <p>5 You know, and so now we're, like, "Where are</p> <p>6 they, where are they, where are they?"</p> <p>7 "I never had them. I gave them to my</p> <p>8 supervisor." I knew that that wasn't true because I</p> <p>9 hadn't seen them. So based on that assessment, that</p> <p>10 was the decision I made. 04:46:50</p> <p>11 Q. And what did you think her motive was to lie</p> <p>12 about having the files?</p> <p>13 A. I did not know what her motive was.</p> <p>14 Q. Did you think she destroyed them?</p> <p>15 A. I did not know. I hoped not. That's why we 04:47:03</p> <p>16 asked for them to be returned.</p> <p>17 Q. Okay. All right.</p> <p>18 But in any event, you did not believe her when</p> <p>19 she said that she did not have them; correct?</p> <p>20 A. Right. 04:47:09</p> <p>21 Q. Did you ever ask Mr. Urquijo if Ms. Dorsey gave</p> <p>22 her any of those three files?</p> <p>23 A. Yes.</p> <p>24 MR. HILL: Hold on. I think you just made an</p> <p>25 error. 04:47:23</p> <p style="text-align: right;">Page 227</p>	<p>1 to Mr. Urquijo, and you did not believe her; correct?</p> <p>2 A. Yes.</p> <p>3 Q. And were the cases in Time Matters?</p> <p>4 All three cases: Coaloa, the Wright, and the</p> <p>5 Garcia case? 04:48:35</p> <p>6 A. As far as my recollection goes, yes.</p> <p>7 Q. Okay.</p> <p>8 And was it possible to duplicate them?</p> <p>9 A. What does that mean?</p> <p>10 MR. HILL: Calls -- calls for speculation. 04:48:40</p> <p>11 Lacks foundation.</p> <p>12 BY MR. BROWN:</p> <p>13 Q. Was it possible to make copies of those case</p> <p>14 files?</p> <p>15 MR. HILL: Calls for speculation. Lacks 04:48:46</p> <p>16 foundation.</p> <p>17 BY MR. BROWN:</p> <p>18 Q. You can answer.</p> <p>19 A. It depends if there was documentation in the</p> <p>20 files that would not otherwise be -- be able to be 04:48:52</p> <p>21 reproduced, such as evidence captured from a case.</p> <p>22 Q. Understood. Okay.</p> <p>23 A. Or, like, notes of investigative that wouldn't</p> <p>24 be copied to the Time Matters.</p> <p>25 Q. Would it be accurate to say that as of 04:49:04</p> <p style="text-align: right;">Page 229</p>

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<p>1 <b>January 7th of 2016 that you thought that Ms. Dorsey's</b> 2 <b>employment with the District should be terminated?</b> 3 A. No. 4 <b>Q. And when you decided on January 7th of 2016 to</b> 5 <b>send Ms. Dorsey home, what did you want to happen?</b> 04:49:29 6 MR. HILL: Vague. 7 BY MR. BROWN: 8 <b>Q. With respect to Ms. Dorsey?</b> 9 A. I wanted to get a chance to figure out how we 10 need to proceed because I felt, at least, an 04:49:44 11 administrative investigation needed to be had. And I 12 -- I don't think I was hurting her by sending her home 13 on paid status. 14 I told her that we would get back to her either 15 later that day or the next day with -- with some sort 04:49:59 16 of information. 17 MR. BROWN: Okay. I'm going to show you what 18 I'm going to mark as Exhibit 108. 19 (Plaintiff's Exhibit 108 was marked 20 for identification.) 04:50:08 21 THE WITNESS: Okay. 22 MR. HILL: Just for the record, Counsel, I'm 23 assume we're ending at 5:00? 24 MR. BROWN: Yes, we are. I just took a look at 25 my watch. 04:50:30</p> <p style="text-align: right;">Page 230</p>	<p>1 <b>based on your conversations with her, and then you</b> 2 <b>typed this down?</b> 3 A. Oh, yes, yes. So there's yellow paged notes of 4 this, and then I typed this out. This other little 5 document is a Post-it note where I wrote down next to 04:51:40 6 her reply as to each case. 7 <b>Q. And regarding the initial notes, did you</b> 8 <b>destroy those once you typed this out?</b> 9 A. No. 10 <b>Q. Okay.</b> 04:51:51 11 <b>Do you still have them?</b> 12 A. Someone has them. I -- I don't know if I gave 13 them to general counsel or some -- I know I made copies 14 of them. I want to say I produced in part of 15 discovery. 04:52:03 16 <b>Q. Okay. All right.</b> 17 <b>And with respect to those documents, were they</b> 18 <b>ever located?</b> 19 MR. HILL: Vague. 20 MR. BROWN: Yeah. You're right. 04:52:20 21 BY MR. BROWN: 22 <b>Q. After January 7th of 2016, were those three</b> 23 <b>case files -- that being the Coaloa case file, the</b> 24 <b>Wright case file, and the Mylene Garcia case file --</b> 25 <b>were they ever located?</b> 04:52:30</p> <p style="text-align: right;">Page 232</p>
<p>1 BY MR. BROWN: 2 <b>Q. All right. Mr. Cabibi, have you had a chance</b> 3 <b>to look at Exhibit 108?</b> 4 A. Yes. 5 <b>Q. And these are -- are these contemporaneous</b> 04:50:40 6 <b>notes that you made while speaking to Ms. Dorsey on</b> 7 <b>January 7th of 2016 before sending her home?</b> 8 A. Yes. 9 <b>Q. And the -- initially, when you took notes, did</b> 10 <b>you jot them down with a pen -- using a pen, and then</b> 04:50:56 11 <b>type this up?</b> 12 A. I believe it was a pen, yes. 13 <b>Q. Okay.</b> 14 A. And I think I was writing as I was asking each 15 question. 04:51:08 16 <b>Q. And that's what -- and I wasn't very clear --</b> 17 <b>but that's what --</b> 18 A. If I was recording it, that's the way it would 19 be. I was writing and at the same time. 20 <b>Q. So, first, you wrote it out, and then you typed</b> 04:51:17 21 <b>this?</b> 22 A. Depending on if she was giving an answer, then 23 I would write down the answer. 24 <b>Q. Yes.</b> 25 <b>But my point is, you wrote something down,</b> 04:51:26</p> <p style="text-align: right;">Page 231</p>	<p>1 A. Yes. One of the three files was located. 2 <b>Q. Which one?</b> 3 A. Ms. Mylene Garcia's file. I personally located 4 it in the closed case file drawer at -- at a place 5 where we had searched before. 04:52:47 6 <b>Q. Okay.</b> 7 <b>Do you know how it got there?</b> 8 A. No. All -- all I can say is that it was -- the 9 case files had a tag where they would say the name and 10 number of the case. This particular one was backwards. 04:53:01 11 It was very skinny. Meaning, it -- it only had two or 12 three pieces of documents in it. And, you know, I can 13 only guess, as we're going through it and looking for 14 these -- 15 MR. HILL: Don't guess. 04:53:13 16 THE WITNESS: -- I wouldn't see it. 17 MR. HILL: Don't guess. 18 BY MR. BROWN: 19 <b>Q. Okay.</b> 20 <b>So then at least in terms of one of those</b> 04:53:17 21 <b>cases, it would appear that Ms. Dorsey, as of January</b> 22 <b>-- oh, I'm sorry.</b> 23 <b>At some point, you realized that Ms. Dorsey did</b> 24 <b>not have one of the cases in her possession; is that</b> 25 <b>right?</b> 04:53:29</p> <p style="text-align: right;">Page 233</p>

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<p>1 A. Yes. I made general counsel aware of that.</p> <p>2 MR. HILL: Don't tell him anything that you</p> <p>3 made my office aware of.</p> <p>4 THE WITNESS: Yeah. Sorry.</p> <p>5 BY MR. BROWN: 04:53:37</p> <p>6 <b>Q. And with respect to the Mylene Garcia case, was</b></p> <p>7 <b>that a closed case?</b></p> <p>8 A. I can't remember.</p> <p>9 <b>Q. And did you ever inform Ms. Dorsey that one of</b></p> <p>10 <b>the cases had been found on the premises or in the</b> 04:53:51</p> <p>11 <b>O.I.G. offices?</b></p> <p>12 A. I did not.</p> <p>13 <b>Q. Do you know if anyone did?</b></p> <p>14 A. I -- I -- yes.</p> <p>15 <b>Q. Who informed -- to your knowledge, who informed</b> 04:54:02</p> <p>16 <b>Ms. Dorsey of it?</b></p> <p>17 A. Well, I read staff relation documentation where</p> <p>18 they corrected from three to two name in the files.</p> <p>19 <b>Q. And with respect to those three case files, do</b></p> <p>20 <b>you know if anyone used Ms. Dorsey's key to access her</b> 04:54:16</p> <p>21 <b>credenza?</b></p> <p>22 MR. HILL: Vague as to time.</p> <p>23 BY MR. BROWN:</p> <p>24 <b>Q. In or around early January of 2016, do you</b></p> <p>25 <b>know if anyone accessed Ms. Dorsey's credenza to</b> 04:54:32</p> <p style="text-align: right;">Page 234</p>	<p>1 <b>Q. And --</b></p> <p>2 A. And I reviewed that video.</p> <p>3 <b>Q. And in reviewing that video, did you come up</b></p> <p>4 <b>with any suspects who you believed potentially had</b></p> <p>5 <b>gained access to those two files aside from Ms. Dorsey?</b> 04:56:02</p> <p>6 A. Aside from Ms. Dorsey, no.</p> <p>7 <b>Q. And do you believe that Ms. Dorsey took those</b></p> <p>8 <b>files out of the O.I.G. offices at some time in the</b></p> <p>9 <b>first week of January of 2016?</b></p> <p>10 A. Circumstantially, yes. 04:56:28</p> <p>11 <b>Q. And do you have any -- aside from what we've</b></p> <p>12 <b>testified to in terms of they were in the credenza and</b></p> <p>13 <b>then they weren't in the credenza, do you have any</b></p> <p>14 <b>evidence or information that Ms. Dorsey took those or</b></p> <p>15 <b>at least two of those files -- that being the Wright</b> 04:56:44</p> <p>16 <b>and Coaloa cases -- out of the O.I.G. offices at any</b></p> <p>17 <b>time of January of 2016?</b></p> <p>18 A. No.</p> <p>19 <b>Q. It is 4:56. We can break now --</b></p> <p>20 A. That would be good. 04:56:59</p> <p>21 <b>Q. -- and so you can make the bus.</b></p> <p>22 A. I can make the bus.</p> <p>23 <b>Q. Yeah. Sounds good.</b></p> <p>24 MR. HILL: Thank you.</p> <p>25 MR. BROWN: You got it, and I'll see you 04:57:04</p> <p style="text-align: right;">Page 236</p>
<p>1 <b>retrieve those three files?</b></p> <p>2 MR. HILL: Other than what he's testified to,</p> <p>3 besides himself and Mr. Urquijo?</p> <p>4 MR. BROWN: Correct.</p> <p>5 THE WITNESS: As far as I know, only 04:54:46</p> <p>6 Mr. Urquijo.</p> <p>7 BY MR. BROWN:</p> <p>8 <b>Q. Well, when you find the Mylene Garcia case in</b></p> <p>9 <b>the closed case drawer, did you initiate any type of</b></p> <p>10 <b>investigation to find out how that case got in the</b> 04:55:05</p> <p>11 <b>closed case drawer?</b></p> <p>12 A. Other than, you know, questioning myself</p> <p>13 because I know I personally looked through there, no.</p> <p>14 <b>Q. And regarding the other two cases, were those</b></p> <p>15 <b>ever found?</b> 04:55:21</p> <p>16 A. No.</p> <p>17 <b>Q. Was there ever an investigation done to locate</b></p> <p>18 <b>those other two cases?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. And who conducted that investigation?</b> 04:55:28</p> <p>21 A. When I say an investigation, I had asked for</p> <p>22 video -- video of who was accessing our space around</p> <p>23 that same time, where I felt these things had</p> <p>24 disappeared, from the time they were there to the time</p> <p>25 they were gone. 04:55:49</p> <p style="text-align: right;">Page 235</p>	<p>1 tomorrow.</p> <p>2 THE VIDEOGRAPHER: Okay. Did you want to do a</p> <p>3 stipulation or...</p> <p>4 MR. BROWN: Let's see. Yeah, I'll do the</p> <p>5 stipulation. 04:57:12</p> <p>6 We agree to relieve the court reporter of her</p> <p>7 duties of her Volume 1 of Mr. Cabibi's deposition; and</p> <p>8 that the deposition will be sent to Mr. Hill;</p> <p>9 immediately upon receipt, Mr. Hill will send the</p> <p>10 deposition to Mr. Cabibi, who will have 20 days to 04:57:29</p> <p>11 review it;</p> <p>12 Mr. Cabibi understands that he's reviewing the</p> <p>13 transcript under penalty of perjury; if there are any</p> <p>14 changes to be made to the transcript, Mr. Hill will</p> <p>15 notify me in writing; 04:57:43</p> <p>16 Mr. Hill may keep the original of the</p> <p>17 transcript in his possession; however, he will lodge it</p> <p>18 at the request of any counsel in this case; if the</p> <p>19 original of the transcript is either lost or damaged,</p> <p>20 then a certified copy may be used for all purposes. 04:58:00</p> <p>21 So stipulated?</p> <p>22 MR. HILL: Is 20 days enough time for you</p> <p>23 review it?</p> <p>24 THE WITNESS: Oh, absolutely.</p> <p>25 MR. HILL: So stipulated. 04:58:10</p> <p style="text-align: right;">Page 237</p>

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<div>1 MR. BROWN: Very good. Thank you.</div> <div>2 THE VIDEOGRAPHER: Okay. This deposition is</div> <div>3 now concluded, and the time is 4:58 P.M.</div> <div>4 (Ending time: 4:58 P.M.)</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 238</div>	<div>1 REPORTER'S CERTIFICATION OF CERTIFIED COPY</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7 I, VIRGINIA AQUINO, CSR No. 13228, a Certified</div> <div>8 Shorthand Reporter in the State of California, certify</div> <div>9 that the foregoing pages, constitute a true and correct</div> <div>10 copy of the original deposition of</div> <div>11 taken on _____, 2018.</div> <div>12 I declare under penalty of perjury, under the</div> <div>13 laws of the State of California that the foregoing is</div> <div>14 true and correct.</div> <div>15</div> <div>16 Dated this ____ day of _____, 2018.</div> <div>17</div> <div>18</div> <div>19 _____</div> <div>20 VIRGINIA AQUINO, CSR No. 13228</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 240</div>
<div>1 REPORTER'S CERTIFICATE</div> <div>2</div> <div>3 I, VIRGINIA AQUINO, CSR No. 13228, Certified</div> <div>4 Shorthand Reporter, certify:</div> <div>5 That the foregoing proceedings were taken before</div> <div>6 me at the time and place therein set forth, at which</div> <div>7 time the witness was put under oath by me;</div> <div>8 That the testimony of the witness, the questions</div> <div>9 propounded, and all objections and statements made at</div> <div>10 the time of the examination were recorded</div> <div>11 stenographically by me and were thereafter transcribed;</div> <div>12 That the foregoing is a true and correct</div> <div>13 transcript of my shorthand notes so taken.</div> <div>14 I further certify that I am not a relative or</div> <div>15 employee of any attorney of the parties, nor financially</div> <div>16 interested in the action.</div> <div>17 I declare under penalty of perjury under the laws</div> <div>18 of California that the foregoing is true and correct.</div> <div>19 Dated this ____ day of _____, 2018.</div> <div>20</div> <div>21 _____</div> <div>22 VIRGINIA AQUINO, CSR No. 13228</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 239</div>	<div>1 STATE OF CALIFORNIA )</div> <div>2 ) SS.</div> <div>3 COUNTY OF LOS ANGELES )</div> <div>4</div> <div>5</div> <div>6</div> <div>7 I, the undersigned, declare under penalty of</div> <div>8 perjury;</div> <div>9 That I have read the foregoing transcript;</div> <div>10 That I have made any corrections, additions, or</div> <div>11 deletions that I was desirous of making;</div> <div>12 That the foregoing is a true and correct</div> <div>13 transcript of my testimony contained therein.</div> <div>14 EXECUTED this ____ day of _____, 2018,</div> <div>15 at _____, _____.</div> <div>16 [City] [State]</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21 _____</div> <div>22 FRANK CABIBI</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 241</div>

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**April 2, 2018**

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